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MONTHLY REPORT

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JUNE 1960 - Dec. 1960

ONTARIO LABOUR RELATIONS BOARD

MONTHLY REPORT OF THE ONTARIO LABOUR RELATIONS BOARD

FOR THE MONTH OF JUNE, 1960

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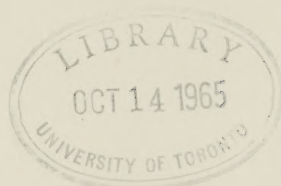
MONTHLY REPORT OF THE LABOUR RELATIONS BOARD

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1960

June-Dec.

FOR THE MONTH OF JUNE, 1960



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PART ONE

STATISTICAL TABLES

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TABLE I

APPLICATIONS FILED WITH THE ONTARIO LABOUR RELATIONS BOARD

Type of Application	Number of Applications Filed		
	June 1960	1st 3 months of fiscal year 1960-61	1959-60
I. Certification	69	199	245
II. Declaration Terminating Bargaining Rights	7	13	21
III. Declaration of Successor Status	-	1	4
IV. Conciliation Services	112	310	385
V. Determination under Section 68 of Act	-	1	2
VI. Consent to Early Termination of Agreement	-	-	-
VII. Declaration that Strike Unlawful	5	8	8
VIII. Declaration that Lockout Unlawful	-	2	1
IX. Consent to Prosecute	7	32	17
X. Miscellaneous	-	-	-
TOTAL	200	566	683

TABLE II
HEARINGS OF THE ONTARIO LABOUR RELATIONS BOARD

	Number of Hearings		
	June 1960	1st 3 months of fiscal year 1960-61	1959-60
Hearings and continuation of Hearings by the Board	79	221	354

TABLE III
APPLICATIONS DISPOSED OF BY THE ONTARIO LABOUR RELATIONS
BOARD BY MAJOR TYPES

Type of Application	Number of Applications Disposed of		
	June 1960	1st 3 months of fiscal year 1960-61	1959-60
I. Certification	88	210	208
II. Declaration Terminating Bargaining Rights	6	15	23
III. Declaration of Successor Status*	1	6	2
IV. Conciliation Services	127	293	400
V. Determination under Section 68 of Act	-	2	5
VI. Consent to Early Termination of Agreement	-	1	-
VII. Declaration that Strike Unlawful	4	11	12
VIII. Declaration that Lockout Unlawful	-	1	3
IX. Consent to Prosecute	13	35	31
X. Miscellaneous	-	-	1
TOTAL:	<u>239</u>	<u>574</u>	<u>685</u>

*This does not include cases in which the question of successor status arises as a collateral issue.

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TABLE IV

APPLICATIONS DISPOSED OF BY THE ONTARIO LABOUR RELATIONS BOARD
BY TYPES AND BY DISPOSITION

Disposition	No. Appl'ns Disposed of			Employees*		
	June 1960	1st 3 mos. 6061	fiscal yr. 59-60	June 1960	1st 3 mos. 6061	fiscal yr. 59-60
<u>I. Certification</u>						
<u>Certified</u>						
CLC	55	131	125	1364	3759	2788
Other	<u>16</u>	<u>24</u>	<u>26</u>	<u>535</u>	<u>636</u>	<u>736</u>
Total	71	155	151	1899	4395	3524
<u>Dismissed</u>						
CLC	13	31	35	667	1272	2439
Other	<u>3</u>	<u>9</u>	<u>7</u>	<u>64</u>	<u>436</u>	<u>470</u>
Total	16	40	42	731	1708	2909
<u>Withdrawn</u>						
CLC	1	13	12	4	352	106
Other	<u>-</u>	<u>2</u>	<u>3</u>	<u>-</u>	<u>9</u>	<u>41</u>
Total	1	15	15	4	361	147
TOTAL:	<u>88</u>	<u>210</u>	<u>208</u>	<u>2634</u>	<u>6464</u>	<u>6580</u>
Certification Applications Disposed of						

*These figures refer to the number of employees directly affected, and are based on the number of employees in the bargaining units at the time the applications for certification were filed with the Board. Totals for applications dismissed and withdrawn are approximate.

- 86 - APPLICATIONS DISPOSED OF BY
BOARD (continued)

Disposition	No. Appl'ns Disposed of			*Employees*		
	June 1st 1960	1st 3 mos. 60-61	fiscal yr. 59-60	June 1st 1960	1st 3 mos. 60-61	fiscal yr. 59-60

II. Termination
Bargaining Rights

Terminated

CLC	2	5	10	94	148	428
Other	<u>1</u>	<u>2</u>	<u>1</u>	<u>19</u>	<u>56</u>	<u>4</u>
Total	3	7	11	113	204	432

Dismissed

CLC	3	3	10	12	12	485
Other	<u>-</u>	<u>1</u>	<u>2</u>	<u>-</u>	<u>17</u>	<u>11</u>
Total	3	4	12	12	29	496

Withdrawn

CLC	-	4	-	-	380	-
Other	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Total	-	4	-	-	380	-

TOTAL:	<u>6</u>	<u>15</u>	<u>23</u>	<u>125</u>	<u>613</u>	<u>928</u>
Termination						
Applications						
Disposed of						

*These figures refer to the number of employees directly affected, and are based on the number of employees in the bargaining units at the time the applications were filed with the Board. Totals for termination applications dismissed and withdrawn are approximate.

- 87 - APPLICATIONS DISPOSED OF BY
BOARD (continued)

Disposition	<u>Number of Applications Disposed of</u>		
	<u>June</u>	<u>1st 3 months of</u>	<u>fiscal year</u>
	<u>1960</u>	<u>1960-61</u>	<u>1959-60</u>

III. Successor Status

Granted	1	5	2
Dismissed	-	1	-
Withdrawn	<u>-</u>	<u>-</u>	<u>-</u>
Total	<u>1</u>	<u>6</u>	<u>2</u>

IV. Conciliation Services*

Referred

CLC	99	239	314
Other	<u>20</u>	<u>37</u>	<u>48</u>
Total	119	276	362

Dismissed

CLC	1	3	19
Other	<u>1</u>	<u>2</u>	<u>-</u>
Total	2	5	19

Withdrawn

CLC	5	9	18
Other	<u>1</u>	<u>3</u>	<u>1</u>
Total	6	12	19

TOTAL:	<u>127</u>	<u>293</u>	<u>400</u>
Conciliation			
Applications			
Disposed of			

*Includes applications for conciliation services re unions claiming successor status.

- 88 - APPLICATIONS DISPOSED OF BY
BOARD (continued)

Disposition	Number of Applications Disposed of		
	June 1960	1st 3 months of fiscal year 1960-61	1959-60

V. Determination under
Section 68

Granted	-	1	1
Dismissed	-	1	1
Withdrawn	-	-	<u>3</u>
Total:	<u>-</u>	<u>2</u>	<u>5</u>

VI. Consent to Early
Termination of
Agreement

Granted	-	1	-
Dismissed	-	-	-
Withdrawn	-	-	-
Total	<u>-</u>	<u>1</u>	<u>-</u>

VII. Declaration that
Strike Unlawful

Granted	-	1	1
Dismissed	-	1	2
Withdrawn	<u>4</u>	<u>9</u>	<u>9</u>
Total	<u>4</u>	<u>11</u>	<u>12</u>

- 89 - APPLICATIONS DISPOSED OF BY
BOARD (continued)

Disposition	Number of Applications Disposed of		
	June 1960	1st 3 months of fiscal year 1960-61	1959-60

VIII. Declaration that
Lockout Unlawful

Granted	-	1	-
Dismissed	-	-	-
Withdrawn	-	-	<u>3</u>
Total	<u>-</u>	<u>1</u>	<u>3</u>

IX. Consent to
Prosecute

Granted	1	10	20
Dismissed	-	2	5
Withdrawn	<u>12</u>	<u>23</u>	<u>6</u>
Total	<u>13</u>	<u>35</u>	<u>31</u>

X. Miscellaneous*

Granted	-	-	-
Dismissed	-	-	1
Withdrawn	-	-	-
Total	<u>-</u>	<u>-</u>	<u>1</u>

*See Case Listings for details.

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TABLE V

REPRESENTATION VOTES IN CERTIFICATION APPLICATIONS DISPOSED
OF BY THE BOARD

Disposition	Number of Votes		
	June 1960	1st 3 months of fiscal year 1960-61	1959-60
<hr/>			
<u>Certification After Vote</u> ⁽¹⁾			
<u>Ballot Choice</u>			
Yes-No	4	6	11
Choice between 2 unions	3	7	7
Other	-	-	-
<u>Total Certified</u>	7	13	18
<u>Dismissed After Vote</u>			
<u>Ballot Choice</u>			
Yes-No	6	15	10
Choice between 2 unions	3	6	3
Other	-	-	-
<u>Total Dismissed</u>	<u>9</u>	<u>21</u>	<u>13</u>
GRAND TOTAL:	<u>16</u>	<u>34</u>	<u>31</u>
Certification Appl'ns Disposed of after vote			

(1) See Explanatory Notes, April 1960 Report, page 3.

PART TWO

CASE LISTINGS

APPLICATIONS DISPOSED OF BY THE ONTARIO LABOUR RELATIONS
BOARD DURING JUNE, 1960.

Bargaining Agents Certified During June
No Vote Conducted

18,073-59: International Union of Electrical Radio & Machine Workers AFL-CIO-CLC, (Applicant) v. RCA Victor Ltd. (Prescott) (Respondent).

Unit: "all office, clerical and technical employees of the respondent in Prescott, save and except plant manager, personnel manager, one secretary to each of such managers, purchasing agent, budget control manager, production control manager, manager of manufacturing, resident engineer, quality control manager, supervisors, foremen and persons above the rank of supervisor and foreman, nurse, guards and buyers."
(33 employees in the unit).

The Board endorsed the Record as follows:

"For the purposes of clarity the Board declares that Wm. H. Moore, test engineer, M. Coombs, methods engineer "A", C. Tackaberry, A. Rowlands, E. Mosley, F. Lapensee and H. Brown, methods engineers, exercise managerial functions within the meaning of section 1 (3)(b) of The Labour Relations Act, and that Mrs. Marilyn A. Black, steno-clerk, and Mrs. A. Bradley, stenographer, are employed in a confidential capacity in matters relating to labour relations within the meaning of section 1(3)(b) of The Labour Relations Act and that such persons are not included in the bargaining unit.

The Board further declares that Miss Arlene Johnston, steno-clerk, Leslie R. McAllister, Wilmont Horner and A. Signet, cost control clerks, R. Ruston, floor time controller, Mrs. Audrey Hough, typist-clerk, Mrs. E.K. Parrott, steno-clerk and Miss Geraldine Sterrett, technical stenographer, are included in the bargaining unit."

Board Member G.R. Harvey dissented and said:

"I dissent as to the exclusion of Wm. H. Moore, M. Coombs, C. Tackaberry, A. Rowlands, E. Mosley, F. Lapensee, H. Brown, Mrs. Marilyn A. Black and Mrs. A. Bradley. I would have included them in the bargaining unit."

18,111-59: Amalgamated Meat Cutters and Butcher Workmen of North America AFL-CIO Food Handlers Local Union 175 (Applicant) v. Lottman's Imperial Bakery Limited 181 Baldwin Street, Toronto, Ontario. (Power Super Markets Limited Stores concessions) (Respondent).

Unit: "all employees of the respondent in its concessions at the Power Super Markets Limited, save and except head office supervisors, persons above the rank of head office supervisor, persons regularly employed for not more than 24 hours per week, and students hired for the school vacation period."
(41 employees in the unit). (Unit agreed to by the parties).

18,300-59: The International Hod Carriers' Building and Common Labourers' Union of America, Local No. 607 (Applicant) v. Powell Equipment Company Limited (Port Arthur) (Respondent).

Unit: "all employees of the respondent at Port Arthur, save and except supervisors, persons above the rank of supervisor, persons in the administrative and general office department, the sales division and the service department."
(16 employees in the unit).

18,427-59: United Brotherhood of Carpenters & Joiners of America (Applicant) v. Wurfel Construction Limited (in the County of Welland) (Respondent).

Unit: "all carpenters and carpenters' apprentices in the employ of the respondent in the County of Welland, save and except non-working foremen and persons above the rank of non-working foreman." (18 employees in the unit).

18,907-59: Retail Clerks International Association, Local 206 (Applicant) v. Irvine & Francis Limited (Brockville) (Respondent).

Unit: "all employees of the respondent at its stores in Brockville, save and except grocery department managers, product department managers, persons above the rank of grocery and produce department managers, office staff, persons regularly employed for not more than 24 hours per week and students hired for the summer vacation period."
(34 employees in the unit).

The Board endorsed the Record as follows:

"For purposes of clarity, the Board declares that persons described as meat department managers are included in the bargaining unit."

G.W. Reed, Vice-Chairman, said:

"My findings in this case are made solely on the basis of the evidence before us at this time and on the agreement of the parties that the evidence taken with respect to the grocery, produce and meat department supervisors of Brockville Store No. 45 would be representative of the duties and responsibilities of the same personnel at Brockville-Northgate Store No. 48, despite the obvious difference in the size of the operation. I am satisfied that up to the present time the management structure of the respondent differs from that usually encountered in the chain store retail food business. It is noted that the respondent operates comparatively few stores at the present time.

I am satisfied that there is no person who may properly be described as a store manager in the sense of having an overall direction of responsibility for the store and employees therein.

I note the agreement of the parties to exclude from the bargaining unit Ken Haggett and also the persons described by the applicant as store managers and by the respondent as grocery department managers.

Having regard to the above considerations, I find that the persons described as produce department managers exercise a managerial function within the meaning of section 1 (3) (b) of The Labour Relations Act, but that the persons described as meat department managers do not exercise such a function."

Board Member, C.C. Young dissented and said:

"I dissent with respect to the inclusion of meat department managers. While the evidence with respect to the exercise of management functions by the manager of the meat department is not so clear as it is with respect to the other two classifications, I would have regard for the organizational structure of the company and exclude them from the unit."

Board Member, G.R. Harvey dissented and said:

"I dissent with respect to the exclusion of produce department managers. I would have included them in the bargaining unit."

19,059-59: United Brotherhood of Carpenters & Joiners of America, Lumber and Sawmill Workers' Union, Local 2693, (Applicant) v. W.G. Reid Logging (woods operations at Grassy Narrows Bay of Rainy Lake as described in License #D 776 in the territorial District of Rainy River) (Respondent).

Unit: "all employees of the respondent engaged in its woods operations at Grassy Narrows Bay of Rainy Lake as described in license #D 776 in the territorial District of Rainy River, save and except foremen, persons above the rank of foreman, office staff and scalers." (31 employees in the unit).

19,222-59: International Union of Electrical, Radio and Machine Workers - AFL-CIO-CLC, (Applicant) v. Canadian Westinghouse Co. Ltd. (at its Plant #7 at Brantford) (Respondent).

Unit: "all office, clerical and technical employees of the respondent at its Plant #7 at Brantford, save and except foremen, senior cost clerk, engineering supervisor, senior engineering assistant, quality control supervisors, manufacturing services supervisors, accounting supervisor, and persons above those ranks; buyers; security guards; methods-time study-rate setting employees and secretaries to the industrial relations manager and the plant manager." (32 employees in the unit).

The Board endorsed the Record as follows:

"For the purposes of clarity the Board declares that the senior production planner, and the following section heads are included in the bargaining unit: (3 names follow).

The Board notes the agreement of the parties to exclude the following occupational classifications from the bargaining unit: senior cost clerk, engineering supervisor, senior engineering assistant, manufacturing services supervisors, accounting supervisor, and the methods-time study-rate setting employees."

19,246-59: International Union of Operating Engineers, Local 796 (Applicant) v. Murray Printing and Gravure Limited (Weston) (Respondent).

Unit: "all engineer-watchmen in the employ of the respondent at Weston, save and except foreman." (4 employees in the unit).

19,421-59: London Typographical Union No. 133, (Applicant)
v. H. J. Jones & Sons Limited (London) (Respondent).

Unit: "all compositors and their apprentices in the employ of the respondent at London, save and except non-working foremen and persons above the rank of non-working foreman."
(4 employees in the unit).

19,503-59: International Union, United Automobile Aircraft and Agricultural Implement Workers of America (UAW)
(Applicant) v. International Harvester Company of Canada Limited, Sales and Service Division, Hamilton District Office (Respondent).

Unit No. 1: "all office employees of the Sales and Service Division, Hamilton District Office, of the respondent, save and except supervisors and persons above the rank of supervisor, accountant, secretary to the district manager, payroll clerk and motor truck machine stockman." (16 employees in the unit).

J. Finkelman, Q.C., said:

"For the purposes of clarity, I declare that the collector and the motor truck parts stockman are included in the bargaining unit. My conclusion with respect to the exclusion from the unit of the motor truck machine stockman (Ken Daniels) is based on the fact that the representative of the applicant union has agreed with the representative of the respondent company that A. E. Villeneuve be excluded from the bargaining unit. In this connection, it should be noted that the examiner's report in this case records the evidence of C. J. Munro, the respondent company's district manager, that Villeneuve 'does the same work in the farm equipment department' as Ken Daniels does in the motor truck 'department', which evidence has in no way been challenged by the applicant union."

Board Member H.F. Irwin, said:

I concur in the decision of the Chairman except in so far as he would include the collector in the bargaining unit. I would have excluded the collector from this bargaining unit on the ground that he would not appropriately be included in an office unit."

Board Member D.B. Archer said:

"I concur in the decision of the Chairman except in so far as he would exclude the motor truck machine stockman from the bargaining unit. To my mind there is nothing in the evidence which warrants a finding that Daniels either exercises managerial functions or is employed in a confidential capacity in matters relating to labour relations. There is nothing in the evidence before the Board or in the examiner's report which indicates a sufficient reason for the exclusion of Villeneuve and since, according to the evidence presented to the examiner by the company, Villeneuve does the same work as Daniels, I would have included Villeneuve in the bargaining unit."

19,592-60: United Garment Workers of America (Applicant) v. Bude Sportswear Company Limited (Metropolitan Toronto) (Respondent).

Unit: "all employees of the respondent in Metropolitan Toronto, save and except foreman, persons above the rank of foreman, office and sales staff and persons regularly employed for not more than 24 hours per week." (15 employees in the unit).

The Board endorsed the Record as follows:

"Following the first hearing the respondent made certain charges with respect to the membership evidence submitted by the applicant. The case was then relisted for continuation of hearing. Just prior to this hearing taking place the respondent withdrew its charges. At the continuation of the hearing the applicant appeared and stated formally, that it denied the charges and would have been prepared to meet them if they had not been withdrawn. The Board wishes to make it clear that nothing has taken place in this case which in any way reflects on the integrity of the applicant or its representatives.

The Board notes the request of the applicant under section 12 (3) of The Labour Relations Act but makes no ruling on this request at this time."

19,679-60: National Union of Public Service Employees, (Applicant) v. Incinerator Board of Mimico and New Toronto (Respondent).

Unit: "all employees of the respondent save and except superintendent and persons above the rank of superintendent." (5 employees in the unit).

19,690-60: Building Service Employees' International Union Local 204, A.F. of L., C.I.O., C.L.C., (Applicant) v. Norwich Union Life Insurance Society. (60 Yonge Street, Toronto) (Respondent).

Unit: "all maintenance employees of the respondent at 60 Yonge Street, Toronto, save and except superintendent, persons above the rank of superintendent, night supervisors, stationary engineers and persons primarily engaged as their helpers, office staff and persons regularly employed for not more than twenty-four hours per week." (12 employees in the unit).

19,741-60: International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers, Local 419, Warehousemen and Miscellaneous Drivers (Applicant) v. Baker Carpet Cleaning Company (Toronto) (Respondent).

Unit: "all driver deliverymen in the employ of the respondent at Toronto, save and except foremen, persons above the rank of foreman, and office and sales staff." (5 employees in the unit).

The Board endorsed the Record as follows:

"For the purposes of clarity the Board declares that the employees who occasionally drive trucks in their work for the purposes of laying and cleaning carpets are not included in the bargaining unit."

19,760-60: United Plant Guard Workers of America Local Union No. 1958 Amalgamated Plant Guards, of Plant Guard Employees of the City of Windsor (Applicant) v. Massey Ferguson Limited. (Metropolitan Toronto) (Respondent).

Unit: "all plant guards, including firemen, in the employ of the respondent at Metropolitan Toronto, save and except guard sergeants, fire inspectors, and persons above the rank of guard sergeant or fire inspector." (19 employees in the unit).

19,804-60: National Union of Public Service Employees, (Applicant) v. Corporation of the Town of Mimico. (Works, Sanitation and Parks Departments) (Respondent).

Unit: "all employees of the works, sanitation and parks departments of the respondent, save and except foremen, persons above the rank of foreman, and office staff." (20 employees in the unit).

19,812-60: Ready Mix, Building Supply, Hydro and Construction Drivers, Warehousemen and Helpers, Local Union No. 230, I.B. of T., (Applicant) v. A. W. Crowle Sewer Pipe Supply Limited. (Metropolitan Toronto) (Respondent).

Unit: "all employees of the respondent at Metropolitan Toronto, save and except foremen, persons above the rank of foreman and office and sales staff." (5 employees in the unit).

19,821-60: District 50, United Mine Workers of America (Applicant) v. McKee Bros. Limited (Elmira) (Respondent).

Unit: "all employees of the respondent at Elmira, save and except foremen, persons above the rank of foreman, office and sales staff, persons regularly employed for not more than 24 hours per week and students hired for the school vacation period." (64 employees in the unit).

The Board endorsed the Record as follows:

"In the light of the evidence presented, the Board finds that no weight can be given to the petition filed with the Board in opposition to the application and containing the signatures of certain employees of the respondent."

19,822-60: International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers, Local 419, Warehousemen and Miscellaneous Drivers; Ayer Storage (Ontario); (Applicant) v. International Union of Operating Engineers, Local 796. (Metropolitan Toronto) (Respondent).

Unit #1: "all employees of the respondent at Metropolitan Toronto, save and except foremen, persons above the rank of foreman, office and sales staff, students hired for the school vacation period, persons regularly employed for not more than 24 hours per week, refrigeration compressor operators, stationary engineers, chief engineer and persons above the rank of chief engineer." (10 employees in the unit).

Unit #2: "all refrigerator compressor operators and stationary engineers in the employ of the respondent at its plant at Metropolitan Toronto, save and except the chief engineer." (3 employees in the unit).

19,840-60: Sheet Metal Workers' International Association, Local Union 562, (Applicant) v. H. Boehmer & Co., Limited. (Kitchener) (Respondent).

Unit: "all sheet metal workers and their apprentices and helpers in training of the respondent employed at and working out of Kitchener, save and except non-working foremen and persons above the rank of non-working foreman."
(18 employees in the unit).

19,841-60: International Hod Carriers' Building and Common Labourers Union of America - Local 527 (A.F.L - C.I.O.), (Applicant) v. Bruce MacDonald Ltd. (Ottawa) (Respondent).

Unit: "all construction labourers in the employ of the respondent at Ottawa, save and except non-working foremen and persons above the rank of non-working foreman."
(22 employees in the unit).

19,853-60: District 50, United Mine Workers of America, (Applicant) v. McKinney Skillcraft Limited. (Toronto) (Respondent).

Unit: "all employees of the respondent at Toronto, save and except foremen, persons above the rank of foreman, and office and sales staff." (40 employees in the unit).

19,854-60: International Association of Machinists, (Applicant) v. Morse Chain of Canada Limited. (Simcoe) (Respondent).

Unit: "all employees of the respondent at Simcoe, save and except foremen, persons above the rank of foreman, office and sales staff, head shipper, chief storeskeeper and expediter."
(33 employees in the unit).
(Unit agreed to by the parties).

19,864-60: Ready-Mix, Building Supply, Hydro and Construction Drivers, Warehousemen and Helpers, Local Union No. 230, I.B. of T., (Applicant) v. E. C. Frankland Haulage. (Toronto) (Respondent).

Unit: "all employees of the respondent at Toronto, save and except foremen, persons above the rank of foreman and office staff." (10 employees in the unit).

19,865-60: International Hod Carriers' & Common Labourers' Union of America, Local No. 1059 (Applicant) v. Schwenger Construction Limited. (Tillsonburg) (Respondent).

Unit: "all construction labourers in the employ of the respondent at its Tillsonburg Sewage Treatment Plant Project at Tillsonburg, save and except non-working foremen and persons above the rank of non-working foreman." (11 employees in the unit).

19,866-60: Sheet Metal Workers' International Association, Local Union #233 (Applicant) v. Imperial Surgical Company (Toronto) (Respondent).

Unit: "All employees of the respondent at Toronto, save and except foremen, persons above the rank of foreman and office and sales staff." (50 employees in the unit).

The Board endorsed the Record as follows:

"For the purposes of clarity the Board declares that the draftsmen are a part of the office staff and excluded from the bargaining unit but that shipping room craters, stock room men and truck drivers are included in the bargaining unit."

19,867-60: Printing Specialties & Paper Products Union, Local 466 (Applicant) v. Sterling Marking Products Limited (Toronto) (Respondent).

Unit: "all employees of the respondent at Toronto, save and except foremen, persons above the rank of foreman, office and sales staff and persons regularly employed for not more than 24 hours per week." (4 employees in the unit).

19,870-60: Teamsters, Chauffeurs, Warehousemen and Helpers, Local Union 880, affiliated with International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America (Applicant) v. Dingwall Motors (Chatham) Limited (Windsor) (Respondent).

Unit: "all employees of the respondent at Windsor, save and except foremen, persons above the rank of foreman, office staff, car and truck salesmen and parts road salesmen." (31 employees in the unit).

19,874-60: Retail, Wholesale and Department Store Union, AFL:CIO:CLC, (Applicant) v. The Garvin Hardware Co., Limited (Hamilton) (Respondent).

Unit: "all employees of the respondent at Hamilton, save and except foremen, persons above the rank of foreman and office staff." (10 employees in the unit).

19,875-60: International Hod Carriers' Building & Common Labourers' Union of America, Local No. 1059, (Applicant) v. The Frid Construction Company Limited. (City of London and the area surrounding the city limits within twenty-five miles) (Respondent).

Unit: "all construction labourers in the employ of the respondent in the City of London and the area surrounding the city limits within twenty-five miles, save and except non-working foremen and persons above the rank of non-working foreman." (22 employees in the unit).

19,877-60: General Truck Drivers, Local 879 International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers, C.L.C. (Applicant) v. E. C. King Contracting Limited. (Owen Sound) (Respondent).

Unit: "all employees of the respondent at Owen Sound, save and except foremen, persons above the rank of foreman and office and sales staff." (28 employees in the unit).

19,878-60: Milk Drivers and Dairy Employees Union Local 647, of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, (Applicant) v. Lakeshore Bakery Limited. (Metropolitan Toronto) (Respondent).

Unit: "all driver salesmen and special delivery men in the employ of the respondent at Metropolitan Toronto, save and except supervisors, persons above the rank of supervisor, persons regularly employed for not more than 24 hours per week, and students hired for the school vacation period." (5 employees in the unit).

19,882-60: General Drivers, Local Union 989, affiliated with the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America (Applicant) v. M. Loeb Limited. (Pembroke) (Respondent).

Unit: "all employees of the respondent at Pembroke, save and except foremen, persons above the rank of foreman, office and sales staff, persons regularly employed for not more than 24 hours per week, and students hired for the school vacation period." (8 employees in the unit).

19,896-60: International Woodworkers of America (Applicant) v. Fry and Blackhall Limited (Wingham) (Respondent).

Unit: "all employees of the respondent at Wingham, save and except foremen, persons above the rank of foreman, and office staff." (33 employees in the unit).

The Board endorsed the Record as follows:

"For the purposes of clarity the Board declares that there are presently no foremen in the employ of the respondent."

19.902-60: International Hod Carriers' Building and Common Labourers Union of America, Local #1081, (Applicant) v. Lavern Asmusen Limited. (Kitchener and the County of Waterloo) (Respondent).

Unit: "all construction labourers in the employ of the respondent in that portion of Waterloo County lying south of a line commencing at the junction of Waterloo and Wellington Counties and 13A Kitchener suburban road; thence along 13A Kitchener suburban road to its junction with County Road 13; thence travelling in a south-westerly direction along County Road 13 to its junction with the proposed Highway 401; thence travelling along Highway 401 to its junction with County Road No. 6; thence along County Road No. 6 westerly to the road between lots 30 and 31 on Concession 12 North Dumphries Township; thence in a southerly direction along that road to County Road 16; thence east on County Road 16 to its junction with County Road 18; thence south on County Road 18 to its junction with Highway 24A, and thence along Highway 24A to the County boundary." (3 employees in the unit).

19.903-60: International Hod Carriers' Building and Common Labourers' Union of America, Local Union #1081, (Applicant) v. Ball Brothers Limited. (City of Kitchener and County of Waterloo) (Respondent).

Unit: "all construction labourers in the employ of the respondent in that portion of Waterloo County lying south of a line commencing at the junction of Waterloo and Wellington Counties and 13A Kitchener suburban road; thence along 13A Kitchener suburban road to its junction with County Road 13; thence travelling in a south-westerly direction along County Road 13 to its junction with the proposed Highway 401; thence travelling along Highway 401 to its junction with County Road No. 6; thence along County Road No. 6 westerly to the road between lots 30 and 31 on Concession 12 North Dumphries Township; thence in a southerly direction along that road to County Road 16; thence east on County Road 16 to its junction with County Road 18; thence south on County Road 18 to its junction with Highway 24A, and thence along Highway 24A to the County boundary." (15 employees in the unit).

19.926-60: Ready Mix, Building Supply, Hydro and Construction Drivers, Warehousemen and Helpers, Local Union No. 230, I.B. of T., (Applicant) v. Garnet Building Products Limited. (at Britannia Road, in the Township of Toronto) (Respondent).

Unit: "all employees of the respondent employed at and working out of the company's plant at Britannia Road, in the Township of Toronto, save and except foremen, persons above the rank of foreman and office staff." (5 employees in the unit).

19.927-60: Textile Workers Union of America, CLC., AFL-CIO, (Applicant) v. Midland Industries Limited. (Penetang) (Respondent).

Unit: "all employees of Fern Shoe, a division of Midland Industries Limited, at Penetang, save and except foremen, foreladies, persons above the rank of foreman or forelady, persons engaged in shoe designing, security guards and persons regularly employed for not more than 24 hours per week." (180 employees in the unit).

19.932-60: Retail, Wholesale and Department Store Union, AFL-CIO-CLC (Applicant) v. Weston Bakeries Limited (at its Pape Avenue Depot in Metropolitan Toronto) (Respondent).

Unit: "all employees of the respondent at its Pape Avenue Depot in Metropolitan Toronto, save and except foremen, persons above the rank of foreman, office staff, driver salesmen and persons regularly employed for not more than 24 hours per week." (8 employees in the unit).

19.939-60: International Union, United Automobile Aircraft and Agricultural Implement Workers of America (UAW) (Applicant) v. Canadian Motor Lamp Company Limited (Bracebridge Division in Draper Township) (Respondent).

Unit: "all employees of the respondent at its Bracebridge Division in Draper Township, save and except foremen, persons above the rank of foreman, and office staff." (71 employees in the unit).

19.968-60: Draftsmen's Association of Ontario Local 164 American Federation of Technical Engineers - AFL-CIO, (Applicant) v. Consumers Glass Company, Limited. (Toronto) (Respondent).

Unit: "all draftsmen, apprentice draftsmen and tracers in the employ of the respondent at Toronto, save and except drafting supervisors and persons above the rank of drafting supervisor." (6 employees in the unit).

19.969-60: Laundry, Dry Cleaning and Dye House Workers International Union Local 351, (Applicant) v. Toilet Laundries (Ontario) Limited. (Toronto plant) (Respondent).

Unit: "all employees of the respondent at its Toronto plant, save and except foremen, supervisors, persons above the rank of foreman or supervisor, office and sales staff, drivers, and students hired for the school vacation period." (78 employees in the unit).

19.978-60: Operative Plasterers' and Cement Masons' International Association of United States and Canada Local 124, (Applicant) v. Durie Mosaic & Marble Limited. (Ottawa) (Respondent).

Unit: "all cement masons and their apprentices and helpers of the respondent employed at and working out of Ottawa, save and except non-working foremen and persons above the rank of non-working foreman." (5 employees in the unit).

19.979-60: The National Union of Public Service Employees (Applicant) v. Fairhaven Home For The Aged (Peterborough) (Respondent).

Unit: "all employees of the respondent, save and except housekeeper, chief engineer, chief chef, persons above the rank of housekeeper, chief engineer and chief chef, nurses and office staff." (31 employees in the unit).

The Board endorsed the Record as follows:

"With respect to medical staff the Board directs the attention of the parties to Section 1(3) (a) of The Labour Relations Act, by virtue of which members of the medical profession are excluded from bargaining units."

19.980-60: American Federation of Grain Millers, AFL-CIO, CLC., as an International Union, (Applicant) v. Dutton Flour Mills. (Dutton) (Respondent).

Unit: "all employees of the respondent at Dutton, save and except superintendent, manager, persons above the rank of superintendent or manager, and office and sales staff." (8 employees in the unit).

19.981-60: Operative Plasterers' and Cement Masons' International Association of United States and Canada Local 124, (Applicant) v. George E. Carson Limited (Ottawa) (Respondent).

Unit: "all cement masons and their apprentices and helpers of the respondent employed at and working out of Ottawa, save and except non-working foremen and persons above the rank of non-working foreman." (3 employees in the unit).

19.982-60: Retail Clerks International Association, affiliated with the Canadian Labour Congress (Applicant) v. Vernon's Grocery and Locker Service Limited (Dryden) (Respondent).

Unit No. 1: "all employees of the respondent in its bakery, confectionery and soda fountain business at Dryden, save and except manager, persons above the rank of manager, office staff, persons regularly employed for not more than 24 hours per week and students hired for the school vacation periods." (7 employees in the unit). (unit agreed to by parties).

Unit No. 2: "all employees of the respondent engaged in its retail store and locker service at Dryden, save and except manager, persons above the rank of manager, office staff and persons regularly employed for not more than 24 hours per week and students hired for the school vacation periods." (11 employees in the unit). (unit agreed to by parties).

19.985-60: Local 280 of the Hotel & Restaurant Employees' & Bartenders' International Union, (Applicant) v. Zantav Company Limited. (Zanzibar Tavern at Toronto) (Respondent).

Unit: "all tapmen, bartenders, beverage waiters, bar boys and improvers in the employ of the respondent at the Zanzibar Tavern at Toronto, save and except manager, persons above the rank of manager and persons regularly employed for not more than 24 hours per week." (3 employees in the unit).

19.986-60: Local 280 of the Hotel & Restaurant Employees' & Bartenders' International Union, (Applicant) v. Bermuda Tavern. (Toronto) (Respondent).

Unit: "all tapmen, bartenders, beverage waiters, bar boys and improvers in the employ of the respondent at Toronto, save and except manager, persons above the rank of manager and persons regularly employed for not more than 24 hours per week." (4 employees in the unit).

19.987-60: The Bricklayers' and Masons' Union Local No. 1 Ontario, of the Bricklayers', Masons' and Plasterers' International Union of America, (Applicant) v. Mrs. Margarete Roth. (in the County of Wentworth, except the Township of Beverly; the County of Halton, except that portion East of Sixteen Mile Creek from the Lakeshore to the Queen Elizabeth Highway and that portion East of the Sixth Line North from the Queen Elizabeth Highway; Townships of North and South Grimsby and Caistor in County of Lincoln; and the County of Haldimand except Townships of Moulton and Dunn) (Respondent).

Unit: "all bricklayers and bricklayers' apprentices in the employ of the respondent in the County of Wentworth, except the Township of Beverly; the County of Halton, except that portion East of Sixteen Mile Creek from the Lakeshore to the Queen Elizabeth Highway and that portion East of the Sixth Line north from the Queen Elizabeth Highway; Townships of North and South Grimsby and Caistor in County of Lincoln; and the County of Haldimand except Townships of Moulton and Dunn, save and except non-working foremen and persons above the rank of non-working foreman." (3 employees in the unit).

19.992-60: Local 1958, United Plant Guard Workers of America Local Union No. 1958, Amalgamated Plant Guards of Plant Guard Employees of the City of Windsor (Applicant) v. Chrysler Corporation of Canada, Ltd. (Chatham) (Respondent).

Unit: "all security guards in the employ of the respondent at Chatham, save and except sergeants and persons above the rank of sergeant." (13 employees in the unit).

20.005-60: United Brotherhood of Carpenters and Joiners of America, Local #2486 (Applicant) v. Bluebell Construction Limited (on its Northgate Shopping Centre Project at North Bay) (Respondent).

Unit: "all carpenters and carpenters' apprentices in the employ of the respondent on its Northgate Shopping Centre Project at North Bay, save and except non-working foremen and persons above the rank of non-working foreman." (7 employees in the unit).

20.007-60: United Steelworkers of America (Applicant) v. A.C. Leslie & Co. Limited (Toronto) (Respondent).

Unit: "all employees of the respondent at Toronto, save and except foremen, persons above the rank of foreman, and office staff." (18 employees in the unit).

20.009-60: Shopmen's Local Union #734 of the International Association of Bridge Structural and Ornamental Iron Workers (Applicant) v. J. Harris & Sons Limited (Hamilton) (Respondent).

Unit: "all employees of the respondent at its shop at Hamilton, save and except foremen, persons above the rank of foreman, office and clerical staff, and employees engaged in field fabrication and installation work." (14 employees in the unit).

20.010-60: United Brotherhood of Carpenters and Joiners of America, Local Union 2480 (Applicant) v. Ellis-Don Limited (at the Camp Borden Military Camp Area) (Respondent).

Unit: "all carpenters and carpenters' apprentices in the employ of the respondent at the Camp Borden Military Camp Area, save and except non-working foremen and persons above the rank of non-working foreman." (4 employees in the unit).

20.011-60: United Brotherhood of Carpenters and Joiners of America, Local Union 1758 (Applicant) v. Robert McAlpine Ltd. (Township of Augusta) (Respondent).

Unit: "all carpenters and carpenters' apprentices in the employ of the respondent in the Township of Augusta, save and except non-working foremen and persons above the rank of non-working foreman." (9 employees in the unit).

20.013-60: National Union of Public Employees, CLC (Applicant) v. Cornwall Public School Board (Cornwall) (Respondent).

Unit: "all employees of the respondent, save and except supervisor of caretakers, supervisor of maintenance, school teachers, office staff and persons regularly employed for not more than 24 hours per week." (19 employees in the unit).

20.024-60: International Woodworkers of America (Applicant) v. Shoosplin-Woods Limited (Township of Burns) (Respondent).

Unit: "all employees of the respondent engaged in its saw-mill and woods operations in the Township of Burns, save and except foremen, persons above the rank of foreman, office staff and scalers." (70 employees in the unit).

20.025-60: Welland Typographical Union No. 927 (Applicant) v. The Review Company of Fort Erie, Limited (Respondent) v. International Printing Pressmen and Assistants' Union of North America (Intervener).

Unit No. 1: "all employees of the respondent at Fort Erie, engaged in composing room work, save and except non-working foremen and persons above the rank of non-working foreman." (9 employees in the unit).

Unit No. 2: "all pressmen, pressmen's assistants and their apprentices in the employ of the respondent at Fort Erie, save and except non-working foremen, and persons above the rank of non-working foreman." (5 employees in the unit).

20.026-60: International Brotherhood of Pulp, Sulphite and Paper Mill Workers AFL-CIO-CLC (Applicant) v. Sealright Canada Ltd. (Peterborough) (Respondent).

Unit: "all employees of the respondent at Peterborough, save and except persons bound by a subsisting collective agreement between the applicant and the respondent, foremen, persons above the rank of foreman, and chief engineer." (4 employees in the unit).

20.030-60: International Hod Carriers', Building and Common Labourers', Union of America, Local 527 (Applicant) v. Robert McAlpine Ltd. (Township of Augusta) (Respondent).

Unit: "all construction labourers in the employ of the respondent in the Township of Augusta, save and except non-working foremen and persons above the rank of non-working foreman." (14 employees in the unit).

CERTIFIED SUBSEQUENT TO VOTE

18,240-59: International Brotherhood of Bookbinders, Local #194 (Applicant) v. General Printers Limited (Oshawa) (Respondent).

Unit: "all casual employees of the respondent in its addressing and mailing division at Oshawa." (23 employees in the unit).

Number of names on revised eligibility list		9
Number of ballots cast	8	
Number of ballots marked in favour of applicant	8	
Number of ballots marked as opposed to applicant	0	

19,586-60: United Brotherhood of Carpenters & Joiners of America, Local Union #3189 Furniture Workers (Applicant) v. Elora Furniture Company Limited (Elora) (Respondent).

Unit: "all employees of the respondent at Elora, save and except foremen, persons above the rank of foreman, office and sales staff and persons regularly employed for not more than 24 hours per week." (96 employees in the unit).

Number of names on revised eligibility list		78
Number of ballots cast	78	
Number of ballots spoiled	3	
Number of ballots marked in favour of applicant	46	
Number of ballots marked as opposed to applicant	29	

19,599-60: International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers, Local 419, Warehousemen and Miscellaneous Drivers (Applicant) v. M. Loeb, Limited (Brockville) (Respondent).

Unit: "all employees of the respondent at Brockville, save and except foremen, persons above the rank of foreman, office and sales staff, students employed for the school vacation period and persons regularly employed for not more than 24 hours per week." (10 employees in the unit).

Number of names on revised eligibility list		9
Number of ballots cast	9	
Number of ballots marked in favour of applicant	7	
Number of ballots marked as opposed to applicant	2	

19.620-60: District 50, United Mine Workers of America (Applicant) v. Gypsum, Lime & Alabastine Limited (Caledonia Plant) (Respondent) v. United Cement, Lime and Gypsum Workers International Union, Local Union No. 276, AFL-CIO-CLC (Intervener).

Unit: "all employees at the Caledonia Plant of the respondent, save and except foremen, persons above the rank of foreman, office staff, watchmen, quality control supervisors and employees in the research and development unit and the central quality control unit." (247 employees in the unit).

Number of names on revised eligibility list	188
Number of ballots cast	182
Number of ballots marked in favour of applicant	99
Number of ballots marked as opposed to applicant	83

19.633-60: United Electrical, Radio and Machine Workers of America (UE) (Applicant) v. Reliance-Reeves-Master Limited (Stratford) (Respondent) v. International Union of Electrical, Radio and Machine Workers, AFL-CIO-CLC (Intervener).

Unit: "all employees of the respondent at Stratford, save and except foremen, persons above the rank of foreman, office and sales staff." (41 employees in the unit).

Number of names on eligibility list	42
Number of ballots cast	42
Number of ballots marked in favour of applicant	29
Number of ballots marked as opposed to applicant	13

19.660-60: United Textile Workers of America Local 347 (Applicant) v. Dominion Woollens and Worsted (1959) Limited (Hespeler) (Respondent).

Unit: "all employees of the respondent at Hespeler, save and except foremen, foreladies, persons above the rank of foreman or forelady, office staff, and persons regularly employed for not more than 24 hours per week." (136 employees in the unit).

Number of names on revised eligibility list		132
Number of ballots cast	131	
Number of ballots segregated (not counted)	3	
Number of ballots spoiled	1	
Number of ballots marked in favour of applicant	77	
Number of ballots marked as opposed to applicant	50	

19,715-60: Local Union 173 of the International Union of United Brewery, Flour, Cereal, Soft Drink and Distillery Workers of America AFL-CIO-CLC (Applicant) v. Kitchener Beverages Limited (Kitchener) (Respondent).

Unit: "all employees of the respondent at Kitchener, save and except foremen and supervisors, persons above the rank of foreman and supervisor, office staff, salesmen other than driver salesman, persons regularly employed for not more than 24 hours per week, and students hired for the school vacation period." (23 employees in the unit).

Number of names on eligibility list		27
Number of ballots cast	26	
Number of ballots marked in favour of applicant	16	
Number of ballots marked in favour of Kitchener Beverages Employees' Association	10	

APPLICATIONS FOR CERTIFICATION DISMISSED DURING JUNE 1960

No Vote Conducted

18,426-59: International Union of Operating Engineers, Local 793, (Applicant) v. J.E. Bond Construction Company Limited. (District of Kenora) (Respondent).

Unit: "all employees of the respondent engaged in the operation of shovels, bulldozers, scrapers and similar equipment, and persons primarily engaged in the maintenance and repair of such equipment, save and except non-working foremen and persons above the rank of non-working foreman." (31 employees in the unit).

The Board endorsed the Record as follows:

"For the purposes of clarity the Board declares that D. Brizzard, oiler and greaser; A. Valdock and I. McConachie, working foremen; and E. Pillipow, master mechanic are included in the bargaining unit.

The Board makes no finding with respect to the inclusion or exclusion of D. J. Bond, the packer operators, the euclid operators, or the D.W. 15 operators."

18,484-59: The International Hod Carriers' Building and Common Labourers' Union of America, Local 607 (Applicant) v. Western Crushing Company Limited (Amsdale project) (Respondent).

Unit: "Having regard to the agreement of the parties the Board finds that all labourers, rock drillers, jackhammer operators and powdermen in the employ of the respondent at its Amsdale Project, save and except foremen, persons above the rank of foreman, office staff and timekeepers."
(33 employees in the unit).

The Board endorsed the Record as follows:

"In view of the fact that both the applicant and the respondent have notified the Board that they entered into a collective agreement, copy of which has been filed with the Board, the Board finds that it is not necessary to process this application further."

19,301-59: United Steelworkers of America (Applicant) v. J.H. Babcock & sons Limited (Odessa) (Respondent).
(31 employees).

The Board endorsed the Record as follows:

"Although the applicant has requested leave to withdraw its application herein, the Board, following its usual practice in such cases, dismisses the application."

19,578-60: International Union, United Automobile Aircraft and Agricultural Implement Workers of America (UAW) (Applicant) v. Volkswagen Canada Ltd. (Toronto) (Respondent).
(204 employees).

The Board endorsed the Record as follows:

"Counsel for a group of employees alleged that persons whom the applicant had claimed as members had not in fact paid dues in accordance with the Board's requirement in that behalf. The Board conducted an inquiry into the matter and, at the inquiry, full opportunity was afforded to all parties to examine the witnesses, to offer additional testimony and to present argument.

The Board's policy in matters of this nature is set out in its decision in the Webster Air Equipment Case, (1958) Canadian Labour Law Reports, Transfer Binder, ¶16,110: 'The Board seeks from the representative of the union who appears at the hearing assurances that the payment of dues has conformed to the Board's policy in that regard and it requires such assurances to be based on personal knowledge of the fact or on inquiries from the persons who themselves collected the money. In the normal course, the Board accepts such representations at their face value. However, since the Board is compelled to rely to such an extent on evidence which, by the very nature of things, is not subject to examination by the parties to the proceedings (see section 72 (1) of The Labour Relations Act), it must be very circumspect in accepting it and it must insist on the highest standard of integrity on the part of those who submit such evidence. Any attempt to mislead the Board or any failure to make full disclosure of all material facts must weigh heavily against an applicant. In dealing with this situation, the Board has made a distinction between two types of cases: (1) where the action impugned is that of a responsible officer or official of the union, and (2) where the action is that of a supporter or canvasser on behalf of an applicant who occupies an inferior office or no office in the union. In so far as the first of these is concerned, the Board said in the R.C.A. Victor Company Case, (1953) C.C.H. Canadian Labour Law Reporter, Transfer Binder, ¶17,067, C.L.S. 76-412, that, even where only a single card is defective and it is submitted with the knowledge of such responsible officer or official, 'the Board may come to the conclusion that it cannot place reliance on any of the evidence of membership submitted by the union'. Where the irregularity relates to evidence of membership procured by a person of lesser rank in the union organization, the Board has taken the position that the card in respect of which the irregularity is established is disallowed and the weight to be given to the remaining evidence of membership will depend on the nature of the irregularity and the extent to which the objectionable practice was resorted to in signing up members."

In the instant case, the action impugned is that of a responsible officer or official of the applicant and not of a supporter or canvasser who has an inferior office or no office.

In addition, the evidence discloses that the official concerned was so lax in regard to the way in which documentary evidence of payment was assembled and presented to the Board that the Board is unable to place any reliance on any of the evidence of membership submitted by the applicant. The application is accordingly dismissed."

19,876-60: Patternmakers' Association of Hamilton and Vicinity (Applicant) v. Shewell Pattern and Manufacturing Company (Hamilton) (Respondent). (4 employees).

The Board endorsed the Record as follows:

"Application dismissed by reason of the non-appearance of the applicant at the hearing held by the Board in the matter."

19,899-60: United Steelworkers of America (Applicant) v. Hodgson's Steel & Ironworks (Niagara Falls plant) (Respondent) (27 employees).

The Board endorsed the Record as follows:

"The Board finds this application to be untimely and it is accordingly dismissed. Reference may be had to the Wonder Bakeries Case Canadian Labour Law Reporter - Transfer Binder 55-59 ¶ 16,099; C.L.S. 76-580."

20,027-60: International Hod Carriers', Building and Common Labourers' Union of America, Local 527 (Applicant) v. Banchini Limited (Hull) (Respondent). (13 employees).

The Board endorsed the Record as follows:

"The Board finds that the applicant has members less than forty-five per cent of the employees in any bargaining unit which the Board might deem to be appropriate."

Dismissed Subsequent to Vote

19,033-59: United Rubber, Cork, Linoleum & Plastic Workers of America, AFL-CIO-CLC (Applicant) v. Gates Rubber of Canada Limited (Brantford) (Respondent).

Unit: "All employees of the respondent at its plant at Brantford, save and except foremen, persons above the rank of foreman, chief engineer, and office and sales staff."
(94 employees in the unit).

The Board endorsed the Record in part as follows:

"The Board finds that Richard Bisset is included in the bargaining unit."

Board Member, G.R. Harvey dissented and said:

"I dissent. I would have found that Richard Bisset is a laboratory employee and under the direct supervision of G. Zigler, the technical manager, I would therefore excluded him from the bargaining unit."

The Board further endorsed the Record in part as follows:

"The applicant union contends that the result of the representation vote held on April 28, 1960, should be disregarded and a new vote directed on the following grounds:

(1) that on or about April 21, 1960, a document in the nature of electioneering propaganda was mailed to employees of the respondent and while such document stated that it had been issued by "the Non-Union Committee" it did not bear the name and address of its printer and publisher as required by section 56 of The Labour Relations Act; and

(2) that the language of this document was disparaging to the union and designed to influence the vote.

As to the first objection, the majority of this Board in the Stauffer-Dobbie Case, (1959) Canadian Labour Law Reporter Transfer Binder ¶ 16147 C.L.S. 76-658, said: "...in the absence of improper influence, the infringement of section 56 of the Act standing by itself does not invalidate the vote and relief therefor should be sought in other proceedings". In so far as the second objection is concerned, the majority of the Board in the Stauffer-Dobbie Case said:

"In the main, however, a considerable amount of leeway is permitted in electioneering. The Board does not undertake to police election campaigns or to consider the truth or falsity of campaign literature and speeches unless the ability of the employees to evaluate such or speeches is impaired,

e.g., by the use of campaign trickery, to such an extent that the free desires of the employees cannot be determined in a secret vote (see Joseph Gould Case, (1952) CCH Canadian Labour Law Reporter, Transfer Binder ¶17,039, C.L.S. 76-345). In determining the impact on the voters of the literature complained of, it is of course obvious that it is rarely, and perhaps never, possible to determine objectively what effect it has actually had. One cannot pay too much attention to either the most gullible voter or the one of firm convictions. One can only look at the circumstances of each case and, on the facts presented, determine whether the statements objected to are of such a nature that they are likely to have seriously misled a "reasonable" voter.

The facts and circumstances of this case do not warrant the conclusion that the publication of the document in question improperly influenced the vote within the principles set forth in the above cases.

The union's application for a new vote is denied."

Board Member, G.R. Harvey while not dissenting said:

"I reluctantly concur in the decision of the majority as it appears to me that in such situations an opportunity is provided for an employer to actively campaign against a union without being required to disclose his identity."

Number of names on eligibility list		94
Number of ballots cast		94
Number of ballots segregated (not counted)	1	
Number of ballots spoiled	1	
Number of ballots marked in favour of applicant	47	
Number of ballots marked as opposed to applicant	45	

19,299-59: Milk Drivers & Dairy Employees Local Union No. 647 of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America (Applicant) v. Dempster's Bread Limited (Toronto) (Respondent).

Unit: "all driver salesmen, special delivery drivers, ship-pers and garage maintenance employees of the respondent at Toronto, save and except supervisors or foremen, persons above the rank of supervisor or foreman, office staff and persons regularly employed for not more than 24 hours per week." (77 employees in the unit).

Number of names on revised eligibility list		68
Number of ballots cast		68
Number of spoiled ballots	2	
Number of ballots marked in favour of applicant	34	
Number of ballots marked as opposed to applicant	32	

19.543-59: Teamsters, Chauffeurs, Warehousemen and Helpers, Local Union 880, affiliated with International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, (Applicant) v. Munro Boats and Motors Limited. (London) (Respondent).

Unit: "all employees of the respondent at London, save and except foremen, persons above the rank of foreman, office and sales staff and persons regularly employed for not more than 24 hours per week." (16 employees in the unit).

Board Member E. Boyer dissented and said:

"I dissent. In all the circumstances of this case I would not have given weight to the petition objecting to the certification of the applicant and would have granted certification."

Number of names on revised eligibility list		16
Number of ballots cast		16
Number of ballots marked in favour of applicant	1	
Number of ballots marked as opposed to applicant	15	

19.548-60: District 50, United Mine Workers of America (Applicant) v. International Cooperage Company of Canada Limited (Milton) (Respondent).

Unit: "all employees of the respondent at Milton, save and except foremen, persons above the rank of foreman, office and sales staff and persons regularly employed for not more than 24 hours per week." (13 employees in the unit).

The Board endorsed the Record as follows:

"In this case a document objecting to the application was filed prior to the hearing. The Board conducted its usual inquiry into this document (hereinafter referred to as the "petition") and we are satisfied that the petition casts doubt on the evidence of membership filed by the applicant. In our view, there is absolutely no evidence to suggest that management in any way inspired the petition or assisted in its circulation.

However, after all the documentary evidence in opposition to the application had been filed with the Board - in fact on the day before the hearing, it appears that a salesman who also acts as plant manager, approached the two persons who appeared on behalf of the objectors and asked them how they were going to get to Toronto for the hearing. The two persons said that they did not know and the plant manager offered to bring them down. They in fact, were picked up at their homes the next morning in Milton by the plant manager and brought to Toronto. Arrangements were also made by the plant manager to drive them back. The two objectors had been talking about how they were going to come to Toronto just prior to the time the plant manager approached them and they could offer no explanation as to how he knew they were coming to Toronto, other than he heard them discussing the matter. They did not approach him or anyone else in management to solicit a ride. While the company would be aware of the fact that there had been an objection by 7 employees to the application, the company would not have learned from the Board the names of those objectors.

In our view, this case falls squarely within the Minit Car Wash and Garage Limited Case, File #18257-59 (Monthly Report, Ontario Labour Relations Board, p. 351). In that case, the majority said:

"Any financial assistance that the employer may have given to the employee, who appeared on behalf of the objectors to the certification of the applicant, was given after the "petition" was formulated and signed by the employees and had been submitted to the Board. In the absence of any other evidence of employer participation in the "petition", it is our opinion that such assistance as was given cannot affect the weight of the evidence as to the desires of the employees who signed the "petition"."

The minority found as follows:

"We dissent from that part of the decision of the majority which directs that a vote be taken. The petitioner was brought to Toronto in the private plane of the employer. We consider the providing of transportation and of board and lodgings, as occurred here, to be financial assistance by the employer to the petitioner. It is our considered opinion that, under these circumstances a vote cannot disclose the true wishes of the employees. We would have disallowed the petition and certified without a vote."

As we pointed out above, we cannot find anything in the evidence which affects the weight of the evidence as to the desires of the employees who signed the petition nor, in our opinion, is there anything in the evidence which would bring the case under section 7 subsection 5 of The Labour Relations Act. The Board is satisfied, on an examination of the records of the applicant and the records of the respondent, that not less than forty-five per cent of the employees in the bargaining unit are members of the applicant. A representation vote will be taken of employees of the respondent in the bargaining unit. All employees of the respondent in the bargaining unit on the date hereof who do not voluntarily terminate their employment or are not discharged for cause between the date hereof and the time the vote is taken will be eligible to vote. Voters will be asked to indicate whether or not they wish to bargain collectively through the applicant.

However, having regard to the actions of the respondent we wish to make it clear that we intend to subject to the most searching scrutiny everything that the respondent or anyone associated with it may do, between the date of this decision and the date that the vote is taken, which may even in the slightest degree have the effect of influencing the employees in the free expression of their desires. Anything untoward will be dealt with as the circumstances require."

Board Member, G.R. Harvey dissented and said:

"I dissent. As in the case of Minit Car Wash and Garage Limited I hold that under such circumstances a vote cannot disclose the true wishes of the employees and would disallow the petition and certify without a vote."

Number of names on revised eligibility list		14
Number of ballots cast	14	
Number of ballots marked in favour of applicant	7	
Number of ballots marked as opposed to applicant	7	

19,593-60: Oil, Chemical and Atomic Workers International Union (Applicant) v. Cities Service Refining (Canada) Ltd. (Trafalgar Refinery) (Respondent) v. International Union of Operating Engineers, Local 700 (Intervener) v. Cities Service Refinery Employees Association (Intervener).

Unit: "all employees working in the Trafalgar Refinery of the respondent, save and except shift foremen, supervisors, persons above the rank of shift foreman or supervisor, office and clerical staff, mechanical technicians, professional engineers, plant protection employees, laboratory employees other than laboratory technicians, students hired for the school vacation period and university students employed in the existing training programme, stationary engineers and persons primarily engaged as their helpers and the chief engineer employed in the power house." (72 employees in the unit).

Number of names on revised eligibility list		69
Number of ballots cast	69	
Number of ballots marked in favour of applicant, Oil, Chemical and Atomic Workers International Union	24	
Number of ballots marked in favour of intervener, Cities Service Refinery Employees Association	45	

19,623-60: Printing Specialties & Paper Products Union, Local 466 (Applicant) v. Adhesive Tapes (Canada) Limited (Metropolitan Toronto) (Respondent).

Unit: "all employees of the respondent at Metropolitan Toronto, save and except foremen, persons above the rank of foreman, and office and sales staff." (36 employees in the unit).

Number of names on revised eligibility list		29
Number of ballots cast	29	
Number of ballots marked in favour of applicant	13	
Number of ballots marked as opposed to applicant	16	

19.723-60: Oil, Chemical and Atomic Workers International Union (Applicant) v. Municipal Tank Lines Limited (Kipling Avenue location, Metropolitan Toronto) (Respondent).

Unit: "all employees of the respondent employed at and working out of its Kipling Avenue location at Metropolitan Toronto, save and except foremen, persons above the rank of foreman, office and sales staff and persons regularly employed for not more than 24 hours per week." (12 employees in the unit).

Number of names on revised eligibility list		16
Number of ballots cast	16	
Number of ballots marked in favour of applicant	4	
Number of ballots marked as opposed to applicant	12	

19.744-60: Oil, Chemical and Atomic Workers International Union (Applicant) v. Cities Service Oil Company Ltd. (Trafalgar Marketing Terminal, Township of Trafalgar) (Respondent).

Unit: "all tank truck drivers employed at and working out of the Trafalgar Marketing Terminal of the respondent in the Township of Trafalgar, save and except truck foremen and persons above the rank of truck foreman." (57 employees in the unit).

Number of names on revised eligibility list		38
Number of ballots cast	38	
Number of ballots marked in favour of applicant	14	
Number of ballots marked in favour of intervener	24	

19.830-60: International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers, Local 419, Warehousemen and Miscellaneous Drivers (Applicant) v. Northern Industrial Laundries Limited (Toronto) (Respondent).

Unit: "all route salesmen in the employ of the respondent at Metropolitan Toronto, save and except dispatchers, persons above the rank of dispatcher and office staff." (20 employees in the unit).

Number of names on revised eligibility list		21
Number of ballots cast	21	
Number of ballots marked in favour of applicant	4	
Number of ballots marked as opposed to applicant	17	

APPLICATIONS FOR CERTIFICATION WITHDRAWN DURING JUNE, 1960.

19,955-60: National Union of Public Employees (Applicant) v. The Corporation of the Town of Tecumseh (Respondent). (4 employees).

APPLICATIONS FOR DECLARATION TERMINATING BARGAINING RIGHTS
DISPOSED OF DURING JUNE, 1960.

18,248-59: Bayview Meat Market (Toronto) (Applicant) v. Amalgamated Meat Cutters and Butcher Workmen of North America AFL-CIO, Local Union 688 (Respondent). (3 employees). (Dismissed).

(Re: Bayview Meat Market,
Toronto, Ontario)

The Board endorsed the Record as follows:

"In all the circumstances of this case the Board is of the opinion that it can not be said that the union has not sought to bargain within the meaning of section 43(2) of The Labour Relations Act."

19,403-59: Ernest J. Moss (Applicant) v. United Rubber, Cork, Linoleum and Plastic Workers of America, Local 73 (Respondent). (Granted). (17 employees).

(Re: B.F. Goodrich Canada Limited,
(Retail Division), Kitchener, Ontario.

Number of names on revised eligibility list	15
Number of ballots cast	15
Number of ballots marked in favour of respondent	6
Number of ballots marked as opposed to respondent	9

19,417-59: Harvey Shaw & Steve Bilyk (Applicant) v. United Packinghouse Workers of America Local 211 (Respondent). (Dismissed). (2 employees).

(Re: W. Harris & Company Limited,
Toronto, Ontario)

The Board endorsed the Record as follows:

"Having regard to the evidence presented at the hearing as to the circumstances under which the documentary evidence in support of the application was submitted to the Board, as well as the circumstances surrounding the preparation and filing of the application in this case, the application is dismissed.

The Board notes that the respondent union has informed the Board in writing that it has abandoned its bargaining rights in respect of the employees in the bargaining unit defined in a collective agreement between the parties expiring on or about March 31st, 1960."

19,567-59: Wolfe Robert Wagner (Applicant) v. International Jewelry Workers Union, Dental Technicians Union, Local 43 Toronto (Respondent). (Granted). (77 employees).

(Re: Shaw Laboratories Limited,
Toronto, Ontario)

Number of names on revised eligibility list		76
Number of ballots cast	75	
Number of ballots marked in favour of respondent	30	
Number of ballots marked as opposed to respondent	45	

19,933-60: The hourly rated employees of H.E. Kerr Industries Limited, Bloor Street at Farewell Avenue, Oshawa, Ontario(Applicant) v. The Teamsters, Chauffeurs, Warehousemen, and Helpers Union, Local 880 of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America (Respondent). (Granted). (19 employees).

(Re: H.E. Kerr Industries Limited,
Oshawa, Ontario).

20,028-60: Chemical Lab Technicians (Applicant) v. United Steelworkers of America (Respondent). (Dismissed). (7 employees).

(Re: Dominion Magnesium Ltd.,
Haley's, Ontario).

APPLICATIONS FOR DECLARATION CONCERNING STATUS OF SUCCESSOR
TRADE UNION DISPOSED OF DURING JUNE, 1960.

19,846-60: Sheet Metal Workers' International Association, Local Union 560 (Applicant) v. American Can Company of Canada Limited (Chatham Plant) (Respondent). (Granted).

The Board endorsed the Record in part as follows:

"The Board finds that the applicant is, by reason of a transfer of jurisdiction, the successor to Local 460 of the Canadian Labour Congress."

APPLICATIONS FOR DECLARATION THAT STRIKE UNLAWFUL DISPOSED
OF DURING JUNE, 1960.

19,962-60: Regent Refining (Canada) Limited (Port Credit) (Applicant) v. H. Asperen et al (Respondent). (Withdrawn).

19,963-60: Regent Refining (Canada) Limited (Port Credit) (Applicant) v. D. Sheridan et al (Respondent). (Withdrawn).

19,972-60: Canadian-Marietta of Ontario Limited (Chatham) (Applicant) v. Local Union No. 880 of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America (Respondent). (Withdrawn).

19,973-60: Canadian-Marietta of Ontario Limited (Chatham) (Applicant) v. W. Allen et al (Respondent). (Withdrawn).

APPLICATIONS FOR CONSENT TO PROSECUTE DISPOSED OF DURING
JUNE, 1960.

18,425-59: United Brotherhood of Carpenters and Joiners of America, Local 3054 (Applicant) v. 20th Century Mobile Homes Limited (London) (Respondent). (Dismissed).

19,727-60: E.S. Fox Plumbing and Heating Limited (Peterborough) (Applicant) v. Lloyd Bell (Respondent). (Withdrawn).

19,728-60: E.S. Fox Plumbing and Heating Limited (Peterborough) (Applicant) v. Ronald Macklin (Respondent). (Withdrawn).

19,729-60: E.S. Fox Plumbing and Heating Limited (Peterborough) (Applicant) v. Hector W. Latchford (Respondent). (Withdrawn).

19,730-60: E.S. Fox Plumbing and Heating Limited (Peterborough) (Applicant) v. Simon Peter Grosnendyk (Respondent). (Withdrawn).

19,731-60: E.S. Fox Plumbing and Heating Limited (Peterborough) (Applicant) v. Cecil English (Respondent). (Withdrawn).

19,732-60: E.S. Fox Plumbing and Heating Limited (Peterborough) (Applicant) v. Allen Clysdale (Respondent). (Withdrawn).

19,733-60: E.S. Fox Plumbing and Heating Limited (Peterborough) (Applicant) v. Russell Black (Respondent). (Withdrawn).

19,734-60: E.S. Fox Plumbing and Heating Limited (Peterborough) (Applicant) v. Raoul Cote (Respondent). (Withdrawn).

19,735-60: E.S. Fox Plumbing and Heating Limited (Peterborough) (Applicant) v. William Thomas (Respondent). (Withdrawn).

19,736-60: E.S. Fox Plumbing and Heating Limited (Peterborough) (Applicant) v. Gary Purdy (Respondent). (Withdrawn).

19,970-60: Regent Refining (Canada) Limited (Port Credit Sales Terminal) (Applicant) v. Local 16-593 Regent Unit, Oil, Chemical and Atomic Workers International Union, A.F.L.-C.I.O.-C.L.C. (Respondent). (Withdrawn).

19,971-60: Regent Refining (Canada) Limited (Port Credit Works) (Applicant) v. Local 16-593 Regent Unit, Oil, Chemical and Atomic Workers International Union, A.F.L.-C.I.O.-C.L.C. (Respondent). (Withdrawn).

SPECIAL ENDORSEMENTS IN CERTIFICATION APPLICATIONS

19,175-59: International Brotherhood of Bookbinders (Applicant) v. Haig Printing & Office Supplies Limited (Scarborough) (Respondent) v. Haig Printing Employees' Union (Intervener).

On April 6th, 1960, the Board granted certification to the applicant for the following unit:

"all plant employees of the respondent at Scarborough, save and except foremen, persons above the rank of foreman and persons covered by the certificate of this Board issued on March 24th, 1960, to the Amalgamated Lithographers of America, Local 12."

On June 14th, 1960 the Board further endorsed the Record as follows:

"On the basis of the evidence adduced by the intervener, Haig Printing Employees' Union, at the hearing held on February 11th, 1960, the Board finds that Mrs. Doris Edmund was a person exercising managerial functions and that as such she actively participated in the formation of the intervener."

In accordance with the provisions of section 9 of The Labour Relations Act the application for certification by the intervener is dismissed."

19,410-59: United Steelworkers of America (Applicant) v. Welland Electric Steel Foundry Limited (Welland) (Respondent) v. Welmet Independent Union (Intervener). (Granted).

On June 17th, 1960, the Board further endorsed the Record as follows:

"The respondent has requested that the Board vary its decision in this matter dated May 26, 1960, by excluding from the bargaining unit, which it found to be appropriate in that decision, three persons whose eligibility to vote had been challenged by the respondent company. The collective agreement between the respondent company and the intervening union which was entered into on April 27, 1958 expressly excluded 'office staff'. Nevertheless, as the report of the Registrar in this matter discloses, the three persons concerned were treated by the parties as having been included in the bargaining unit for which the intervening union was the bargaining agent prior to its displacement by the applicant union. In these circumstances, the Board finds that they are included in the bargaining unit in respect of which certification was granted to the applicant union on May 26, 1959."

SPECIAL ENDORSEMENTS IN CONCILIATION APPLICATIONS DISPOSED OF
DURING JUNE, 1960.

19,746-60: Local 527 United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of United States and Canada (Applicant) v. Kinchen and Dennis Ltd. (Owen Sound) (Respondent).

The Board endorsed the Record as follows:

"In view of the fact that the union is unable to comply with section 12 of The Labour Relations Act, and in the absence of evidence to enable the Board to authorize the union to be represented by a bargaining committee consisting of one or more of the officers or other representatives of the trade union, who are not employees in accordance with section 12 (3) of the Act, the request of the applicant that it be permitted to withdraw its application is granted."

19,832-60: International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers, Local Union 880 (Applicant) v. Cities Service Oil Company Limited (Windsor Tank Station) (Respondent).

The Board endorsed the Record as follows:

"This application concerns a request for conciliation services on the basis of a wage reopener clause contained in the collective agreement between the parties. Having regard to the decision of the Board in the Fern Shoe Case, Canadian Labour Law Reporter Transfer Binder '49-54, 17020; C.L.S. 76-311, the application is dismissed."

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JULY 1960
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ONTARIO LABOUR RELATIONS BOARD

MONTHLY REPORT OF THE ONTARIO LABOUR RELATIONS BOARD

FOR THE MONTH OF JULY, 1960

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PART ONE

STATISTICAL TABLES

TABLE I

Type of Application	Number of Applications Filed		
	July 1960	1st 4 months of fiscal year 60-61	59-60
I. Certification	61	260	307
II. Declaration Terminating Bargaining Rights	4	17	35
III. Declaration of Successor Status	-	1	5
IV. Conciliation Services	84	394	486
V. Determination under Section 68 of Act	1	2	3
VI. Consent to Early Termination of Agreement	-	-	-
VII. Declaration that Strike Unlawful	1	9	9
VIII. Declaration that Lockout Unlawful	-	2	1
IX. Consent to Prosecute	5	37	17
X. Miscellaneous	-	-	-
Total	<u>156</u>	<u>722</u>	<u>863</u>

TABLE II
HEARINGS OF THE ONTARIO LABOUR RELATIONS BOARD

	Number		
	July 1960	1st 4 months of fiscal year 60-61	59-60
Hearings and continuation of Hearings by the Board	62	283	434

TABLE III

APPLICATIONS DISPOSED OF BY THE ONTARIO LABOUR RELATIONS BOARD
BY MAJOR TYPES

Type of Application	Number of Applications Disposed of		
	July 1960	1st 4 months of fiscal year 60-61	59-60
I. Certification	74	284	272
II. Declaration Terminating Bargaining Rights	3	18	31
III. Declaration of Successor Status*	-	6	4
IV. Conciliation Services	78	371	490
V. Determination under Section 68 of Act	-	2	5
VI. Consent to Early Termination of Agreement	-	1	-
VII. Declaration that Strike Unlawful	2	13	13
VIII. Declaration that Lockout Unlawful	-	1	3
IX. Consent to Prosecute	1	36	33
X. Miscellaneous	-	-	1
Total	<u>158</u>	<u>732</u>	<u>852</u>

*This does not include cases in which the question of successor status arises as a collateral issue.

TABLE IV

APPLICATIONS DISPOSED OF BY THE ONTARIO LABOUR RELATIONS BOARD
BY TYPES AND BY DISPOSITION

Disposition	No. Applications Disposed of			Employees*		
	July 1960	1st 4 mos. 60-61	fiscal yr. 59-60	July 1960	1st 4 mos. 60-61	fiscal yr. 59-60
I. <u>Certification</u>						
<u>Certified</u>						
CLC	39	170	157	1147	4906	3449
Other	<u>6</u>	<u>30</u>	<u>32</u>	<u>180</u>	<u>816</u>	<u>794</u>
Total	45	200	189	1327	5722	4243
<u>Dismissed</u>						
CLC	14	45	51	414	1686	2979
Other	<u>3</u>	<u>12</u>	<u>11</u>	<u>204</u>	<u>640</u>	<u>650</u>
Total	17	57	62	618	2326	3629
<u>Withdrawn</u>						
CLC	10	23	15	134	486	194
Other	<u>2</u>	<u>4</u>	<u>6</u>	<u>15</u>	<u>24</u>	<u>164</u>
Total	12	27	21	149	510	358
TOTAL:	<u>74</u>	<u>284</u>	<u>272</u>	<u>2094</u>	<u>8558</u>	<u>8230</u>

*These figures refer to the number of employees directly affected, and are based on the number of employees in the bargaining units at the time the applications for certification were filed with the Board. Totals for applications dismissed and withdrawn are approximate.

- 131 - APPLICATIONS DISPOSED OF BY
BOARD (continued)

Disposition	No. Applications Disposed of			Employees*		
	July 1960	1st 4 mos. 60-61	fiscal yr 59-60	July 1960	1st 4 mos. 60-61	fiscal yr 59-60

II. Termination
Bargaining Rights

Terminated

CLC	2	7	14	41	189	600
Other	-	<u>2</u>	<u>2</u>	-	<u>56</u>	<u>7</u>
Total	2	9	16	41	245	607

Dismissed

CLC	1	4	13	7	19	528
Other	-	<u>1</u>	<u>2</u>	-	<u>17</u>	<u>11</u>
Total	1	5	15	7	36	539

Withdrawn

CLC	-	4	-	-	380	-
Other	-	-	-	-	-	-
Total	-	4	-	-	380	-

TOTAL:	<u>3</u>	<u>18</u>	<u>31</u>	<u>48</u>	<u>661</u>	<u>1146</u>
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*These figures refer to the number of employees directly affected, and are based on the number of employees in the bargaining units at the time the applications were filed with the Board. Totals for termination applications dismissed and withdrawn are approximate.

- 132 - APPLICATIONS DISPOSED OF BY
THE BOARD (continued)

Disposition	July 1960	1st 4 months of 1 60-61	fiscal year 59-60
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III. Successor Status

Granted	-	5	4
Dismissed	-	1	-
Withdrawn	-	-	-
Total	-	<u>6</u>	<u>4</u>

IV. Conciliation Services*

Referred

CLC	65	304	390
Other	<u>11</u>	<u>48</u>	<u>55</u>
Total	76	352	445

Dismissed

CLC	-	3	21
Other	-	<u>2</u>	-
Total	-	5	21

Withdrawn

CLC	1	10	23
Other	<u>1</u>	<u>4</u>	<u>1</u>
Total	2	14	24

TOTAL:	<u>78</u>	<u>371</u>	<u>490</u>
Conciliation Applications Disposed of			

*Includes applications for conciliation services re unions
claiming successor status.

- 133 - APPLICATIONS DISPOSED OF BY
BOARD (continued)

V. Determination under
Section 68

Granted	-	1	1
Dismissed	-	1	1
Withdrawn	<u>-</u>	<u>-</u>	<u>3</u>
Total:	<u>-</u>	<u>2</u>	<u>5</u>

VI. Consent to Early
Termination of
Agreement

Granted	-	1	-
Dismissed	-	-	-
Withdrawn	<u>-</u>	<u>-</u>	<u>-</u>
Total:	<u>-</u>	<u>1</u>	<u>-</u>

VII. Declaration that
Strike Unlawful

Granted	-	1	1
Dismissed	-	1	2
Withdrawn	<u>2</u>	<u>11</u>	<u>10</u>
Total:	<u>2</u>	<u>13</u>	<u>13</u>

- 134 - APPLICATIONS DISPOSED OF BY
BOARD (continued)

Disposition	Number of applications disposed of		
	July 1960	1st 4 months of fiscal year 60-61	59-60
<hr/>			
VIII. <u>Declaration that</u> <u>Lockout Unlawful</u>			
Granted	-	1	-
Dismissed	-	-	-
Withdrawn	-	-	<u>3</u>
Total:	<u>-</u>	<u>1</u>	<u>3</u>
IX. <u>Consent to</u> <u>Prosecute</u>			
Granted	1	11	20
Dismissed	-	2	6
Withdrawn	-	<u>23</u>	<u>7</u>
Total:	<u>1</u>	<u>36</u>	<u>33</u>
X. <u>Miscellaneous*</u>			
Granted	-	-	-
Dismissed	-	-	1
Withdrawn	-	-	-
Total:	<u>-</u>	<u>-</u>	<u>1</u>

*See Case Listings for details.

TABLE V

REPRESENTATION VOTES IN CERTIFICATION APPLICATIONS DISPOSED
OF BY THE BOARD

Disposition	Number of Votes		
	July 1960	1st 4 months of fiscal year 60-61	59-60
<hr/>			
(1)			
<u>Certification After Vote</u>			
<u>Ballot Choice</u>			
Yes-No	7	13	11
Choice between 2 Unions	1	8	11
Other	-	-	-
<u>Total: Certified</u>	8	21	22
<u>Dismissed After Vote</u>			
<u>Ballot Choice</u>			
Yes-No	7	22	20
Choice between 2 Unions	-	6	3
Other	-	-	-
<u>Total Dismissed</u>	<u>7</u>	<u>28</u>	<u>23</u>
GRAND TOTAL:	<u>15</u>	<u>49</u>	<u>45</u>
Certification Appl'ns Disposed of after vote			

(1) See Explanatory Notes, April 1960 Report, Page 3.

TABLE VI

REPRESENTATION VOTES IN TERMINATION APPLICATIONS DISPOSED OF
BY THE BOARD

Disposition	Number of Votes		
	July 1960	1st 4 months of 60-61	fiscal year 59-60
<u>Respondent Union Successful*</u>			
CLC	-	1	3
Other	-	1	-
Total:	-	2	3
<u>Respondent Union Unsuccessful</u>			
CLC	-	2	11
Other	-	3	2
Total	-	5	13
GRAND TOTAL:	-	7	16
Termination Appl'ns	-	7	16
Disposed of after vote	-	7	16

*In termination proceedings where a vote is taken, the applicant is a group of employees, or the employer; the incumbent union is thus the respondent.

PART TWO

CASE LISTINGS

APPLICATIONS DISPOSED OF BY THE ONTARIO LABOUR RELATIONS
BOARD DURING JULY, 1960.

Bargaining Agents Certified During July
No Vote Conducted

18,871-59: General Truck Drivers' Union, Local 938, affiliated with the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America (Applicant) v. Direct Winters Transport Limited (Metropolitan Toronto) (Respondent).

Unit: "all office and clerical employees of the respondent in Metropolitan Toronto, save and except assistant supervisors and persons above the rank of assistant supervisor, secretaries to the general manager, general operations manager, central division operations manager, office manager, general sales manager, traffic manager and area sales manager; employees in the personnel department, branch auditor, dispatchers, U.S.A. company accountant, sales staff, management trainees, persons regularly employed for not more than 24 hours per week and students hired for the school vacation period." (71 employees in the unit).

(Unit agreed to by the parties as set out in the Report of the Examiner dated February 22, 1960)

Board Member, R.W. Teagle dissented and said:

"I dissent. In all the circumstances of this case I would have directed that a representation vote be taken."

18,986-59: United Brotherhood of Carpenters and Joiners of America, Lumber & Sawmill Workers Union, Local 2693 (Applicant) v. Frank Landry (Sawape) (Respondent).

Unit: "all employees of the respondent in its woods operations in the Seine River area described in Permit #D1484 to Jim Mathieu Lumber Limited, save and except foremen, persons above the rank of foreman, scalers and tallymen." (18 employees in the unit).

18,987-59: United Brotherhood of Carpenters & Joiners of America, Lumber & Sawmill Workers Union, Local 2693 (Applicant) v. Rosario Grenier (in its woods operations in the Seine River area) (Respondent).

Unit: "all employees of the respondent in its woods operations in the Seine River area described in Permit #D1484 to Jim Mathieu Lumber Limited, save and except foremen, persons above the rank of foreman, scalers and tallymen."
(15 employees in the unit).

19,040-59: Lumber & Sawmill Workers' Union, Local 2693 United Brotherhood of Carpenters & Joiners of America (Applicant) v. Emil Frant (in its woods operation in Quetico Park, Territorial District of Rainy River) (Respondent).

Unit: "all employees of the respondent engaged in its woods operations in Quetico Park, Territorial District of Rainy River under license No. D 1842 issued in the name of Ontario Minnesota Pulp and Paper Co., Ltd., save and except foremen, persons above the rank of foreman, office staff and scalers."
(6 employees in the unit).

19,441-60: Office Employees International Union Local 131 AFL-CIO (Applicant) v. The Brown Brothers Limited (Toronto) (Respondent).

Unit: "all office and clerical employees of the respondent at Toronto, save and except assistant managers, persons above the rank of assistant manager, and confidential secretaries to management."
(46 employees in the unit).

19,658-60: Barrie Typographical Union, No. 873 (Applicant) v. Canadian Newspapers, Limited (Barrie) (Publishers of The Barrie Examiner) (Respondent).

Unit: "all employees of the respondent in its Barrie Examiner Division at Barrie, save and except foremen, persons above the rank of foreman, editorial staff, sales staff, advertising staff, circulation staff, office staff and persons regularly employed for not more than 24 hours per week."
(26 employees in the unit).

The Board endorsed the record in part as follows:

"For the purposes of clarity the Board declares that the proof reader is included in the bargaining unit, and that the scanograver is excluded from the bargaining unit on the ground that he would more appropriately come with an office or editorial bargaining unit."

The Board further endorsed the record in part as follows:

"The Board notes the agreement of the parties that at the present time the employees in the mailing room are not employed for not more than 24 hours per week."

Board Member H.F. Irwin dissented and said:

"I dissent. I would have excluded the proof reader from the bargaining unit."

19,689-60: General Truck Drivers, Local 879 International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers, C.L.C. (Applicant) v. Dunker Construction Limited (Township of Waterloo) (Respondent).

Unit: "all ready-mix drivers, batchers, mechanics, front end loaders and bulk cement drivers of the respondent employed at and working out of its ready-mix plant in the Township of Waterloo, save and except foremen, persons above the rank of foreman, and office staff."
(9 employees in the unit).

19,716-60: National Union of Public Employees, C.L.C. (Applicant) v. Etobicoke Board of Education (Respondent).

Unit: "all employees of the respondent engaged in care-taking and maintenance of schools save and except foremen, persons above the rank of foreman, office staff, and persons regularly employed for not more than twenty-four hours per week." (186 employees in the unit)

The Board endorsed the record in part as follows:

"The Board finds, on the basis of the evidence contained in the Report of the Examiner appointed by the Board to enquire into the duties and responsibilities of head caretakers, that the head caretakers of the respondent do not exercise managerial functions and that they are included in the bargaining unit."

The Board further endorsed the record in part as follows:

"The Board also finds that there is no collective agreement between the respondent Board and the Etobicoke School Caretakers Association or the Association of Maintenance Staff of the Etobicoke Board of Education."

19,748-60: International Woodworkers of America (Applicant) v. Midway Lumber Mills Limited (Thessalon) (Respondent).

Unit: "all employees of the respondent at Thessalon, save and except foreman, persons above the rank of foreman and office staff."
(48 employees in the unit).

Board Member, C.C. Young, dissented and said:

"I dissent. I would have given weight to the petition filed by the objectors and ordered a representation vote."

19,873-60: Milk Drivers and Dairy Employees Local Union No. 647, of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America (Applicant) v. Trant Valley Bakeries (Orillia, Gravenhurst, Parry Sound and Bracebridge) (Respondent) v. Retail, Wholesale and Confectionery Workers' Union, Local 461 (Intervener). *

Unit No. 1: "all driver salesmen and special delivery employees of the respondent employed at and working out of Orillia, save and except supervisors, persons above the rank of supervisor, office staff, persons regularly employed for not more than 24 hours per week and students hired for the school vacation period." (15 employees in the unit).

The Board endorsed the record in part as follows:

"For the purposes of clarity the Board declares that two employees, one of whom is classified by the respondent company as 'transport and general help' and one as 'transport and shipping', are not included in the above described bargaining unit."

Number of names on eligibility list	2
Number of ballots cast	2
Number of ballots marked in favour of being included in a bargaining unit embracing driver salesmen and special delivery drivers at Orillia	0
Number of ballots marked as opposed to being included in a bargaining unit embracing driver salesmen and special delivery drivers at Orillia	2

Unit No. 2: "all driver salesmen and special delivery employees of the respondent employed at and working out of Gravenhurst and Parry Sound, save and except supervisors, persons above the rank of supervisor, office staff, persons regularly employed for not more than 24 hours per week and students hired for the school vacation period."
(4 employees in the unit).

* The vote in this case was conducted under the provisions of Section 6(1) of the Act, that is, to ascertain the wishes of some of the employees as to the appropriateness of the unit. Since no representation vote was conducted under Section 7(2), the case has been classified as having been certified without a vote for Unit No. 1, and Unit No. 2.

19,934-60: International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers, Local 419, Warehousemen and Miscellaneous Drivers (Applicant) v. Toronto Cartage Company (Toronto) (Respondent).

Unit: "all employees of the respondent at Toronto, save and except foremen, persons above the rank of foreman, office staff, persons regularly employed for not more than 24 hours per week and students hired for the school vacation period." (20 employees in the unit).

19,950-60: General Truck Drivers' Union, Local 938 affiliated with the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America (Applicant) v. Toronto Vehicle Towing Service Limited (Toronto) (Respondent).

Unit: "all employees of the respondent at Toronto, save and except foremen, persons above the rank of foreman, and office staff." (7 employees in the unit).

19,996-60: The Lumber and Sawmill Workers' Union, Local 2995 of the United Brotherhood of Carpenters and Joiners of America, A.F.L. - C.I.O. (Applicant) v. Algoma-Davis Timber Limited (Sawmill and planing operations at Horwood Lake in Penhorwood Township) (Respondent).

Unit: "all employees of the respondent at its sawmill and planing operations at Horwood Lake in Penhorwood Township, save and except foremen, persons above the rank of foreman, and office staff." (57 employees in the unit).

20,012-60: International Association of Bridge, Structural and Ornamental Iron Workers, Local 765 (Applicant) v. Milbern Window Limited (Ottawa) (Respondent).

Unit: "all employees of the respondent employed at and working out of Ottawa, engaged in the installation and erection of the respondent's products, save and except non-working foremen and persons above the rank of non-working foreman." (17 employees in the unit).

20,020-60: The United Brotherhood of Carpenters and Joiners of America, Local Union 1669 (Applicant) v. Quality Builders (Dryden) (Respondent).

Unit: "all carpenters and carpenters' apprentices of the respondent employed at and working out of Dryden, save and except non-working foremen and persons above the rank of non-working foreman." (5 employees in the unit).

20,047-60: Canadian Brotherhood of Railway, Transport and General Workers (Applicant) v. Acme Ready-Mix Limited (Milton) (Respondent).

Unit: "all employees of the respondent at Milton, save and except foremen, persons above the rank of foreman and office staff." (6 employees in the unit).

20,048-60: Canadian Brotherhood of Railway, Transport and General Workers (Applicant) v. Belleville Transit Commission (Belleville) (Respondent).

Unit: "all employees of the respondent at Belleville, save and except operational manager, persons above the rank of operational manager, and office staff." (14 employees in the unit).

20,053-60: General Truck Drivers' Union, Local 938 affiliated with the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America (Applicant) v. Direct Winters Transport Limited (Oshawa Terminal) (Respondent).

Unit: "all employees of the respondent employed at and working out of its Oshawa Terminal, save and except foremen, persons above the rank of foreman and office and sales staff." (18 employees in the unit).

20,054-60: Laundry, Dry Cleaning and Dye House Workers International Union, Local 351 (Applicant) v. Metro Laundry and Cleaners (Toronto) (Respondent).

Unit: "all employees of the respondent at Toronto, save and except foremen, persons above the rank of foreman, drivers and office staff." (26 employees in the unit).

20,055-60: National Union of Public Service Employees (Applicant) v. The Roman Catholic Separate School Board of Sudbury (caretaking and maintenance staff) (Respondent).

Unit: "all employees of the caretaking and maintenance staff of the respondent, save and except foremen, persons above the rank of foreman, office staff and persons regularly employed for not more than 24 hours per week." (29 employees in the unit).

20,057-60: National Union of Public Service Employees (Applicant) v. The Municipal Corporation of the Township of Pickering (Respondent).

Unit: "all employees of the respondent save and except foremen, persons above the rank of foreman and office staff." (24 employees in the unit).

20,073-60: International Hod Carriers' Building & Common Labourers' Union of America, Local 493, Sudbury & District, Ontario (Applicant) v. M. Sullivan & Son Limited (in Sudbury and within a thirty-five mile radius from the Sudbury City Limits) (Respondent).

Unit: "all construction labourers of the respondent employed in Sudbury and within a thirty-five mile radius from the Sudbury City Limits, save and except non-working foremen and those above the rank of non-working foreman." (3 employees in the unit).

20,084-60: Amalgamated Clothing Workers of America (Applicant) v. Frame Neckwear Co. Limited (Kitchener) (Respondent).

Unit: "all employees of the respondent at Kitchener, save and except foremen, foreladies, persons above the rank of foreman or forelady, and office and sales staff." (16 employees in the unit).

20,093-60: Retail, Wholesale and Department Store Union, AFL:CIO:CLC (Applicant) v. Frontenac Quarries Limited (Kingston) (Respondent).

Unit: "all employees of the respondent at Kingston, save and except foremen, persons above the rank of foreman and office staff." (10 employees in the unit).

20,103-60: General Truck Drivers' Local 938 affiliated with the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America (Applicant) v. Boyd Transport Limited (Newmarket) (Respondent).

Unit: "all employees of the respondent employed at and working out of Newmarket, save and except foremen, persons above the rank of foreman and office staff." (7 employees in the unit).

20,104-60: General Truck Drivers' Union, Local 938 affiliated with the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America (Applicant) v. Scott Haulage Limited (Timmins terminal) (Respondent).

Unit: "all employees of the respondent employed at and working out of its Timmins terminal, save and except foremen, persons above the rank of foreman, and office and sales staff." (44 employees in the unit).

20,113-60: United Cement, Lime and Gypsum Workers International Union, AFL-CIO-CLC (Applicant) v. Elgin Block and Cement Product Limited (St. Thomas) (Respondent).

Unit: "all employees of the respondent at its plant at St. Thomas, save and except foremen, persons above the rank of foreman, and office staff." (5 employees in the unit).

20,130-60: United Brotherhood of Carpenters and Joiners of America, A.F.L. C.I.O. C.L.C. (Applicant) v. Schwenger Construction Limited (on the Tillsonburg Sewage Treatment Plant Project at Tillsonburg) (Respondent).

Unit: "all carpenters and carpenters' apprentices in the employ of the respondent on the Tillsonburg Sewage Treatment Plant Project at Tillsonburg, save and except non-working foremen and persons above the rank of non-working foreman." (11 employees in the unit).

20,135-60: Laundry, Dry Cleaning & Dye House Workers' International Union 351 (Applicant) v. Brighton Laundry Limited (Toronto) (Respondent).

Unit: "all employees of the respondent at Toronto, save and except foremen, persons above the rank of foreman, office and sales staff, drivers, and persons regularly employed for not more than 24 hours per week." (76 employees in the unit).

20,147-60: International Chemical Workers Union, A.F. of L., C.I.O. C.L.C. Local Union 216 (Applicant) v. Kemball Bishop Canada Division of Pfizer Corporation (Cornwall) (Respondent).

Unit: "all employees of the respondent at Cornwall, save and except foremen, persons above the rank of foreman, laboratory staff and office staff." (30 employees in the unit).

20,156-60: Local 280, of the Hotel & Restaurant Employees' & Bartenders' International Union, (Applicant) v. Harold Hoffman and Charles Miller carrying on business under the firm name and style of Humber Public House (Township of Etobicoke) (Respondent).

Unit: "all tapmen, bartenders, beverage waiters, bar-boys and improvers in the employ of the respondent in the Township of Etobicoke, save and except managers, persons above the rank of manager and persons regularly employed for not more than twenty-four hours per week."
(4 employees in the unit).

20,166-60: United Brotherhood of Carpenters and Joiners of America, Local #2486 (Applicant) v. Hill-Clark-Francis, Limited (Espanola) (Respondent).

Unit: "all carpenters and carpenters' apprentices in the employ of the respondent at Espanola, save and except non-working foremen and persons above the rank of non-working foreman." (9 employees in the unit).

20,168-60: United Glass and Ceramic Workers of North America, AFL-CIO, CLC (Applicant) v. National Concrete Products Ltd. (Mimico) (Respondent).

Unit: "all employees of the respondent at Mimico, save and except foremen, persons above the rank of foreman and office staff." (15 employees in the unit).

20,174-60: Listowel Transport Lines Employees Association (Applicant) v. Listowel Transport Lines Limited (Listowel, Toronto, Kitchener and Guelph Terminals) (Respondent).

Unit: "all employees of the respondent save and except foremen, persons above the rank of foreman, and students hired for the school vacation period."
(47 employees in the unit).

(Unit agreed to by the parties).

20,187-60: United Brotherhood of Carpenters and Joiners of America, Local Union 1450 (Applicant) v. Pigott Construction Company Limited (City of Peterborough and the suburban area immediately adjacent thereto) (Respondent).

Unit: "all carpenters and carpenters' apprentices in the employ of the respondent in the City of Peterborough and the suburban area immediately adjacent thereto, save and except non-working foremen and persons above the rank of non-working foreman." (6 employees in the unit).

The Board endorsed the record as follows:

"The Board notes the representations of the respondent that the foremen in its employ are persons whom the Board normally described as non-working foremen."

20.190-60: International Union, United Automobile, Aircraft Agricultural Implement Workers of America (UAW-CIO)(Applicant) v. Lakehead Industries Limited (Kingsville) (Respondent).

Unit: "all employees of the respondent at Kingsville, save and except foremen, persons above the rank of foreman, and office staff." (6 employees in the unit).

20.201-60: The United Brotherhood of Carpenters and Joiners of America, Local Union 1669 (Applicant) v. Lee Truzillo Contracting Co. (in the geographical District of Kenora and all that part of the geographical District of Rainy River, west of a line running north and south through Glenorchy on the Canadian National Railway) (Respondent).

Unit: "all carpenters and carpenters' apprentices in the employ of the respondent in the geographical District of Kenora and all that part of the geographical District of Rainy River, west of a line running north and south through Glenorchy on the Canadian National Railway, save and except non-working foremen and persons above the rank of non-working foreman." (5 employees in the unit).

Certified Subsequent to Vote

19.458-59: International Union of Electrical, Radio and Machine Workers - AFL-CIO-CLC (Applicant) v. W.C. Wood Company Ltd. (Guelph) (Respondent). v. United Electrical, Radio & Machine Workers of America (UE) and its Local 544 (Respondent)

On June 22, 1960, the Board endorsed the Record as follows:

"A representation vote will be conducted among the following categories of employees of W.C. Wood Company Ltd.:

(A) All hourly rated employees in the employ of W.C. Wood Company Ltd., at Guelph, save and except foremen, persons above the rank of foreman, office and sales staff, during the payroll period ending immediately prior to the date of the commencing of the strike of employees of the company at Guelph, on or about April 3rd, 1959; and

(B) All hourly rated employees save the said excluded occupational classifications, who entered the employ of the company at Guelph, between April 3rd, 1959 and the date hereof and who do not voluntarily terminate their employment or are not discharged for cause between the date hereof and the date of the vote.

The names of these persons will be segregated and placed on two lists. List No. 1 will consist of persons who are working at Guelph on the date hereof. List No. 2 will consist of all other persons in Category A and their ballots will be segregated. The polling booth for persons in List No. 1 will be located at the company's premises at Guelph. The Registrar will confer with the parties with respect to the site of the polling booth for persons on List No. 2."

On July 28th, 1960, the Board further endorsed the Record as follows:

"The Registrar is directed to destroy the 63 segregated ballots not counted and in doing so to preserve the secrecy thereof."

Unit: "all employees of the respondent at Guelph, save and except foremen, persons above the rank of foreman, and office and sales staff." (110 employees in the unit).

List No. 1

Number of names on revised eligibility list	107
Number of ballots cast by persons whose names appear on voters' list	105
Number of ballots cast by persons whose names do not appear on voters' list	1
Number of ballots segregated	1
Number of ballots marked in favour of applicant	100
Number of ballots marked as opposed to applicant	5

List No. 2

Number of names on revised eligibility list	75
Number of ballots cast	63
Number of ballots cast by persons whose names appear on voters' list	63
Number of ballots cast by persons whose names do not appear on voters' list	3

19.544-59: London and District Building Service Workers' Union, Local 220; A.F. of L. - C.I.O. - C.L.C. (Applicant) v. Canadian Linen Supply Company Ltd. (London) (Respondent).

Unit: "all employees of the respondent at London, save and except foremen, foreladies, persons above the rank of foreman or forelady, salesmen drivers, salesmen, truck drivers, garage attendants and office staff."
(135 employees in the unit).

Number of names on revised eligibility list	88
Number of ballots cast	88
Number of ballots marked in favour of applicant	67
Number of ballots marked as opposed to applicant	21

19.619-60: Local Union 339 of the International Brotherhood of Electrical Workers (Applicant) v. The Hydro Electric Commission of the City of Fort William (office and clerical employees) (Respondent).

Unit: "all office and clerical employees of the respondent, save and except manager, office manager, department managers, line superintendent and persons above the rank of manager, office manager, department managers or line superintendent, private secretary to the manager and office manager, sales staff, persons regularly employed for not more than 24 hours per week, students hired for the school vacation period and persons bound by a subsisting collective agreement." (13 employees in the unit).

The Board endorsed the Record in part as follows:

"For the purposes of clarity the Board declares that the clerk in the service centre building is included in the bargaining unit."

The Board further endorsed the Record in part as follows:

"The Board notes that at the date of the filing of this application there was only one private secretary to the manager and office manager (one name follows)."

Number of names on eligibility list	11
Number of ballots cast	11
Number of ballots marked in favour of applicant	6
Number of ballots marked as opposed to applicant	5

19,753-60: Building Service Employees' International Union, Local 210, Windsor, Ontario (Applicant) v. Sydenham District Hospital (Wallaceburg) (Respondent).

Unit: "all employees of the respondent at Wallaceburg, save and except professional medical staff, graduate nursing staff, undergraduate nurses, graduate pharmacists, undergraduate pharmacists, graduate dietitians, student dietitians, technical personnel, supervisors, persons above the rank of supervisor, chief engineer, office staff and persons regularly employed not more than 24 hours per week." (68 employees in the unit).

The Board endorsed the Record in part as follows:

"For the purpose of clarity the Board declares that the term technical personnel comprises physiotherapists, occupational therapists, psychologists, electro-encephalographists, electrical shock therapists, laboratory, radiological, pathological and cardiological technicians.

The Board further declares that certified nursing assistants are included in the bargaining unit."

The Board further endorsed the Record in part as follows:

"The attention of the parties is directed to the decisions of the Board in the Minit Car Wash Garage Limited Case and the International Cooprage of Canada Limited Case.

We wish to make it clear that we do not condone the actions of the respondent in this case and while, in our view, such action cannot affect the weight to be given to the documentary evidence filed in opposition to the application, we intend, should the occasion arise, to subject to careful scrutiny everything that the respondent or anyone associated with it might do between the date of this direction and the date the vote is taken, which may have the effect of influencing employees in the free expression of their desires."

Board Member, E. Boyer dissented and said:

"I dissent. My views are already on record in the dissenting opinion in the Minit Car Wash Garage Limited Case.

I would have directed that the application for certification be granted."

Number of names on revised eligibility list	61
Number of ballots cast by persons whose names appear on revised eligibility list	59
Number of ballots cast by persons whose names do not appear on the voters' list - segregated and not counted by agreement of the parties	1
Number of spoiled ballots	1
Number of ballots marked in favour of applicant	32
Number of ballots marked as opposed to applicant	26

19,759-60: General Truck Drivers' Union, Local 938 affiliated with the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America (Applicant) v. Double 'L' Transport Limited (Ottawa) (Respondent).

Unit: "all employees of the respondent at Ottawa, save and except foremen, persons above the rank of foreman and office staff." (24 employees in the unit).

Number of names on revised eligibility list	20
Number of ballots cast	20
Number of ballots segregated (not counted)	2
Number of ballots marked in favour of applicant	10
Number of ballots marked as opposed to applicant	8

19,765-60: The Toronto Civic Employees Union, Local 43 (National Union of Public Employees) (Applicant) v. The Housing Authority of Toronto (Regent Park Housing Project (North) Plan) (Respondent).

Unit: "all stationary engineers and their helpers of the respondent at the "Regent Park Housing Project (North) Plan, save and except the chief engineer." (15 employees in the unit).

Number of names on eligibility list		8
Number of ballots cast		8
Number of ballots marked in favour of applicant	6	
Number of ballots marked in favour of intervener	2	

19,913-60: United Brotherhood of Carpenters and Joiners of America, Local 2486 (Applicant) v. Chisnell-Ganton Ltd. (Espanola) (Respondent).

Unit: "all carpenters and carpenters' apprentices in the employ of the respondent at Espanola, save and except non-working foremen and persons above the rank of non-working foreman." (8 employees in the unit).

Number of names on eligibility list		7
Number of ballots cast		7
Number of ballots segregated (not counted)	1	
Number of ballots marked in favour of applicant	5	
Number of ballots marked as opposed to applicant	1	

APPLICATIONS FOR CERTIFICATION DISMISSED DURING JULY

No Vote Conducted

19,420-59: International Union of Operating Engineers, Local 796 (Applicant) v. Toronto Board of Education (Respondent) v. Toronto Board of Education Assistant Caretaker's Association, (Local 134, National Union of Public Employees, C.L.C.) (Intervener) v. The Toronto Board of Education Chief Caretakers Association, (Local 63, National Union of Public Employees, C.L.C.) (Intervener). (153 employees).

The Board endorsed the Record as follows:

"Under the circumstances of this case the applicant has failed to establish its entitlement to certification in respect of a craft unit pursuant to the provisions of section 6 (2) of The Labour Relations Act.

Accordingly, the Board finds that the appropriate bargaining unit comprises all the employees covered by the collective agreement between the respondent and the Toronto Board of Education Assistant Caretakers Association, Local 134, National Union of Public Employees, CLC. As the list containing the names of the employees filed by the respondent with the Board for all employees covered by the said collective agreement indicates that there are 426 persons in this bargaining unit as of the date of filing of the application, the Board is satisfied on the basis of all the evidence before it that less than forty-five per cent of the employees of the respondent in this bargaining unit are members of the applicant."

19,501-59: The National Union of Public Employees D.L.C. (Applicant) v. Glen - Stor - Dun Lodge (East Front, Cornwall) (Respondent). (38 employees).

The Board endorsed the Record as follows:

"The Board finds that the respondent is a municipality as defined in the Department of Municipal Affairs Act and that it has declared under Section 79 of The Labour Relations Act that that Act shall not apply to it in its relations with its employees or any of them. In view of the action of the respondent in making such a declaration, the Board has no jurisdiction to process this application further and the proceeding is accordingly terminated."

19,707-60: United Brotherhood of Carpenters and Joiners of America, Local Union 1758 (Applicant) v. The Tower Company Limited (Hill Island in the St. Lawrence River) (Respondent), (9 employees).

The Board endorsed the Record as follows:

"Although the applicant has requested leave to withdraw its application herein, the Board, following its usual practice in such cases, dismisses the application."

19,829-60: United Brotherhood of Carpenters & Joiners of America, A.F.L. C.I.O. C.L.C. Local Union 3054 (Applicant) v. Lorjon Precision Buildings Ltd. and Mobile Homes Division (London) (Respondent). (23 employees).

The Board endorsed the Record as follows:

"Although the applicant has requested leave to withdraw its application herein, the Board, following its usual practice in such cases, dismisses the application."

19,873-60: Milk Drivers and Dairy Employees Local Union No. 647 of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America (Applicant) v. Trent Valley Bakeries (Orillia, Gravenhurst, Parry Sound and Bracebridge) (Respondent) v. Retail, Wholesale Bakery and Confectionery Workers' Union, Local 461 (Intervener).

Unit No. 3: "all driver salesmen and special delivery employees of the respondent employed at and working out of Bracebridge, save and except supervisors, persons above the rank of supervisor, office staff, persons regularly employed for not more than 24 hours per week and students hired for the school vacation period." (3 employees in the unit).

19,904-60: Chef Boy-Ar-Dee Employee's Association (Applicant) v. Canadian Home Products Limited (Niagara Falls) (Respondent). (39 employees).

The Board endorsed the Record as follows:

"The applicant has failed to satisfy the Board that it is a trade union within the meaning of section 1(1)(i) of The Labour Relations Act."

20,022-60: National Union of Public Employees--C.L.C. (Applicant) v. Workmen's Compensation Board (Hospital and Rehabilitation Centre) (Downsview) (Respondent). (133 employees).

The Board endorsed the Record as follows:

"On a previous application by the applicant herein, the Board, in dismissing the application, held "that the respondent is an emanation of the Crown ... and that The Labour Relations Act does not apply to it".

The language used by the Board in dealing with the status of the respondent in that case is identical with that of Hope J. in Nadeau v. Workmen's Compensation Board, (1935) O.R. 472, at p. 473. Nothing that was urged upon the Board by the applicant in the instant case warrants us reaching any other conclusion than that arrived at in the earlier case."

20,029-60: Patternmakers' Association of Hamilton and Vicinity (Applicant) v. Shewell Pattern and Manufacturing Company (Hamilton) (Respondent). (4 employees).

The Board endorsed the Record as follows:

"The documentary evidence of membership submitted by the applicant in support of its application does not bear the signatures of the members and is not accompanied by evidence or other documentary material to show that the persons concerned were members of the applicant at the relevant times I.E. the period that the application was before the Board. The application is accordingly dismissed, without prejudice however to the right of the applicant to file a new application."

20,136-60: International Union, United Automobile, Aircraft & Agricultural Implement Workers of America - UAW (Applicant) v. Hurlbut Body Company Ltd. (Dunnville) (Respondent). (29 employees).

The Board endorsed the Record as follows:

"Application dismissed by reason of the non-appearance of the applicant at the hearing held by the Board in the matter."

20,146-60: Trenton Construction Workers Association, Local No. 52, Affiliated with the Christian Labour Association of Canada (Applicant) v. Tange Company Limited (Trenton) (Respondent). (12 employees).

The Board endorsed the Record as follows:

"For the reasons given orally at the hearing this application is dismissed."

Applications for Certification Dismissed Subsequent to Vote

18,590-59: International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers, Local 419, Warehousemen and Miscellaneous Drivers (Applicant) v. Premiumwares Limited (Metropolitan Toronto) (Respondent).

Unit: "all employees of the respondent at Metropolitan Toronto, save and except foremen, persons above the rank of foreman, office and sales staff and students hired for the school vacation period." (27 employees in the unit).

On January 1960, the Board endorsed the Record in part as follows:

"The six temporary employees hired for the purpose of assisting in the moving of the plant are not included in the bargaining unit. For the purposes of clarity these six persons are Theodore Lambropoulos, Joseph Waddell, George Wooley, Frederick Nicholls, Larry Thompson and Lawrence Nash.

The above finding with respect to the aforementioned six people including Waddell and Lambropoulos was with respect to their duties and responsibilities at the time of the filing of the application. This does not imply that if any of these persons are still in the employ of the respondent that they are necessarily excluded from the voters' list.

On May 18th, 1960, the Board further endorsed the Record in part as follows:

"In all the circumstances of this case the Board is of the opinion that a new representation vote should be taken among the employees of the respondent in the bargaining unit described by the Board in its decision of January 18th, 1960.

Board Member E. Boyer dissented and said:

"I dissent. In my view this is not a case where a new vote should be directed and I would have abided by the result of the representation vote held on February 15th, 1960 and ordered accordingly.

Number of names on revised eligibility list		17
Number of ballots cast	17	
Number of ballots spoiled	2	
Number of ballots marked in favour of applicant	3	
Number of ballots marked as opposed to applicant	12	

19,047-60: United Brotherhood of Carpenters & Joiners of America, Lumber & Sawmill Workers' Union, Local 2693 (Applicant) v. Lucien Legault (woods operations, Townships of Southworth, Wainwright, Britton, Rugby, Eton, Aubrey, Langton and Docker in the territorial District of Kenora) (Respondent).

Unit: "all employees of the respondent engaged in its woods operations in the Townships of Southworth, Wainwright, Britton, Rugby, Eton, Aubrey, Langton and Docker in the territorial District of Kenora, save and except foremen, persons above the rank of foreman, office staff, and scalers." (31 employees in the unit).

Number of names on eligibility list		4
Number of ballots cast	4	
Number of ballots marked in favour of applicant	0	
Number of ballots marked as opposed to applicant	4	

19,210-60: Lumber & Sawmill Workers' Union Local 2693, United Brotherhood of Carpenters' and Joiners of America (Applicant) v. Rathwell Planing Mills (Shipping yard, Dryden and woods operations and portable sawmill) (Respondent).

Unit: "all employees of the respondent at its shipping yard at Dryden and its employees engaged in its woods operations and operating its portable sawmill, save and except foremen, persons above the rank of foreman, office staff and scalers." (20 employees in the unit).

Number of names on revised eligibility list		11
Number of ballots cast	11	
Number of ballots marked in favour of applicant	4	
Number of ballots marked as opposed to applicant	7	

19,230-59: United Cement, Lime and Gypsum Workers International Union, A.F.L.-C.I.O.-C.L.C. (Applicant) v. Lake Ontario Portland Cement Company Limited (Picton) (Respondent).

Unit: "all office and clerical employees of the respondent at Picton, save and except supervisors, persons above the rank of supervisor, a secretary to the operations manager and a secretary to the personnel manager."
(10 employees in the unit).

The Board endorsed the Record as follows:

"The question before the Board is as to whether P. Folkard is entitled to vote in a bargaining unit consisting of office and clerical employees, save and except supervisors and certain other exceptions not here material.

Folkard is an analyst in the respondent's laboratory in which there are 11 other employees and a chief chemist.

In 1958, a certificate was issued by the Board covering all employees of the respondent, save and except foremen, persons above the rank of foreman, office and clerical personnel and security guards. The certificate was issued to the present applicant.

The laboratory employees were covered by this certificate. While Folkard's name does not appear on the list of employees filed at that time, there is no question in our minds that if his duties and responsibilities were the same as they are revealed to be in the examiner's report in the present case, Folkard would have been included in the bargaining unit.

In October 1958, the company and a local of the present applicant entered into a collective agreement covering maintenance and production employees. While the laboratory employees are covered by this agreement, it is agreed by the parties that Folkard was not so covered and is not now covered by any collective agreement. The company maintains he was excluded because he exercised a management function. The union maintains he was excluded because he was an office or clerical worker, which classifications are excluded by the agreement.

Both parties maintain the same position on the present application and therefore the company submits he should not have the right to vote and the union submits he ought to have such right.

The matter was not raised when the present case was first heard - indeed, Folkard's name was not on the list filed by the company. There was no objection to this list by the union. The Board directed a representation vote be taken and the question arose when the voters' list was being approved.

Folkard was permitted to vote, but his ballot was segregated and the ballot box was sealed. An examiner subsequently enquired into his duties.

On the basis of the evidence before us, we are quite clear that Folkard does not exercise a managerial function within the meaning of section 1(3)(b) of The Labour Relations Act. We are also of the opinion that he has little or no community of interest with the office and clerical group. His work and interests are almost wholly with the laboratory group.

In all the circumstances of this case, the Board finds that Folkard is not appropriate for inclusion in the present bargaining unit and directs that his ballot be destroyed. The Registrar is directed to proceed with the counting of the ballots."

Number of names of revised eligibility list	10
Number of ballots cast	10
Number of ballots marked in favour of applicant	3
Number of ballots marked as opposed to applicant	7

19,503-59: International Union, United Automobile Aircraft and Agricultural Implement Workers of America (UAW) (Applicant) v. International Harvester Company of Canada Limited, Sales and Service Division, Hamilton District Office (Respondent).

Unit 2: "all motor Truck Salesmen, farm equipment salesmen and farm equipment servicemen of the Sales and Service Division, Hamilton District Office, of the respondent save and except supervisors and persons above the rank of supervisor." (13 employees in the unit).

Number of names on eligibility list		13
Number of ballots cast	13	
Number of ballots marked in favour of applicant	6	
Number of ballots marked as opposed to applicant	7	

19,941-60: International Union of Electrical, Radio & Machine Workers (AFL-CIO-CLC) (Applicant) v. Crompton Parkinson Electrical Limited (Brantford) (Respondent).

Unit: "all employees of the respondent at its plant in the Township of Brantford, save and except foremen, persons above the rank of foreman and office staff."
(24 employees in the unit).

Number of names on revised eligibility list		21
Number of ballots cast	21	
Number of ballots marked in favour of applicant	8	
Number of ballots marked as opposed to applicant	13	

19,953-60: International Association of Machinists (Applicant) v. Canadian Gypsum Company Limited (Weston plant) (Respondent).

Unit: "all employees of the respondent at its Weston plant, save and except foremen, persons above the rank of foreman, office staff and stationary engineers."
(50 Employees in the unit).

Number of names on revised eligibility list		49
Number of ballots cast	48	
Number of ballots marked in favour of applicant	22	
Number of ballots marked as opposed to applicant	26	

APPLICATIONS FOR CERTIFICATION WITHDRAWN DURING JULY, 1960

20,077-60: United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada (Applicant) v. Fraser-Brace Engineering Co. (Ontario) Limited (United Counties of Stormont, Dundas, and Glengarry) (Respondent). (5 employees).

20,114-60: District 50, United Mine Workers of America (Applicant) v. Hopkins Steel, Ltd. (Welland) (Respondent). (12 employees).

20,115-60: Local 721 International Association of Bridge, Structural and Ornamental Iron Workers (Applicant) v. Leonardelli Construction (Oshawa) (Respondent). (3 employees).

20,127-60: International Hod Carriers', Building and Common Labourers' Union of America, Local 1250 (A.F.L. C.I.O.) (C.L.C.) (Applicant) v. Spino Construction Limited (Ottawa) (Respondent). (10 employees).

20,129-60: United Brotherhood of Carpenters & Joiners of America, A.F.L. C.I.O. C.L.C. (Applicant) v. Frid Construction Co. Limited (Woodstock) (Respondent). (4 employees).

20,158-60: International Hod Carriers' Building and Common Labourers' Union of America, Local 506 (Applicant) v. Consolidated Sand and Gravel Limited (Locust Hill) (Respondent). (7 employees).

20,180-60: General Truck Drivers, Local 879 International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers, C.L.C. (Applicant) v. Hotz & Sons Limited (Hamilton) (Respondent). (11 employees).

20,197-60: International Union of Operating Engineers, Local 796 (Applicant) v. Ralston Purina Company of Canada (Clarkson) (Respondent). (3 employees).

20,202-60: United Garment Workers of America, Local 253 (Applicant) v. Mister New Yorker Limited (Toronto) (Respondent). (11 employees).

20,209-60: Lumber and Sawmill Workers' Union, Local 2995, of the United Brotherhood of Carpenters and Joiners of America, A.F.L.-C.I.O. (Applicant) v. Woollings Forest Products Limited (bush operations in the Township of Lee, District of Timiskaming, and the townships immediately adjacent thereto) (Respondent). (30 employees).

20,210-60: Lumber and Sawmill Workers' Union, Local 2995 of the United Brotherhood of Carpenters and Joiners of America, A.F.L.-C.I.O. (Applicant) v. Eli Charlebois (bush operations, District of Timiskaming) (Respondent). (22 employees).

20,226-60: International Hod Carriers', Building and Common Labourers' Union of America, Local 1250, (A.F.L. C.I.O.) (C.L.C.) (Applicant) v. Spino Construction Limited (Ottawa) (Respondent). (10 employees).

APPLICATIONS FOR DECLARATION TERMINATING BARGAINING RIGHTS
DISPOSED OF DURING JULY, 1960

18,506-59: Doreen Mary Hugonnet (Applicant) v. Office Employees International Union Local 131, A.F.L.-C.I.O. (Respondent). (Granted) (18 employees).

(Re: Mack Trucks of Canada Limited,
Toronto Retail Branch)

On June 29th, 1960, the Board endorsed the Record as follows:

"At the second hearing of this case the Board reserved its judgment on the question as to whether the respondent should be permitted to adduce evidence with respect to the alleged actions of W.E. Beamish. It is clear that these matters were well-known to the respondent and to its solicitor since, prior to the filing of the present application, the applicant had sought leave from the Board to prosecute both Beamish and the company. The respondent filed no charges in connection with the present application prior to the first hearing and, indeed, its solicitor informed the Board that it had not intended to do so. At the first hearing the respondent requested an adjournment until after the Board had handed down its decisions in the consent to prosecute cases. This was refused by the Board and the parties were directed to proceed with the case. At this point, the respondent then requested an adjournment to file charges on another matter unconnected with the issues raised in the consent to prosecute cases and notice of which had only been brought to his attention during a recess which the Board had taken to consider his first request. The Board granted the adjournment and directed that particulars of the charge be filed.

Particulars on this charge were subsequently filed by telegram, but the telegram also gave particulars with respect to the alleged actions of Beamish, matters which, as noted above, were unconnected with the allegations for which the adjournment had been granted.

It is clear that had the respondent not requested such an adjournment the case would have proceeded and the respondent would not have been permitted to adduce evidence with respect to the alleged actions of Beamish. The Board's first ruling that the case proceed would have precluded the respondent from adducing such evidence, since allegations had not been made and the respondent could not have pleaded lack of knowledge. Indeed, this was one of the reasons which prompted the Board to direct that the case proceed. That being the case, it is our opinion that the respondent cannot at a subsequent date, attempt to get such allegations in, simply because he was given an opportunity to make charges in respect to another matter. where, the Board felt, it was reasonable that such opportunity be given. Especially is this so where the allegations are entirely connected with the charges with respect to which the adjournment was given.

The Board therefore declares that the respondent is not entitled to adduce evidence with respect to the alleged actions of Beamish. The Board has heard the evidence on all other issues and there remains, therefore, only the argument of the parties. The case will be re-listed for continuation of hearing for this purpose."

On July 18th, 1960, the Board further endorsed the Record as follows:

"Having regard to the contents of a letter addressed to the Board by the respondent dated July 13, 1960 wherein the respondent has notified the Board that it does not desire to continue to represent the employees of Mack Trucks of Canada Limited in the bargaining unit described in the certificate issued by this Board on August 5, 1958, the Board declares that the respondent no longer represents the employees in such bargaining unit."

20,037-60: Orval Vitek (Applicant) v. United Steelworkers of America (Respondent). (Granted). (23 employees).

(Re: The Coleman Lamp & Stove Co. Ltd.,
Etobicoke, Ontario.

The Board endorsed the Record as follows:

"The majority of the employees of The Coleman Lamp & Stove Co. Ltd. in the bargaining unit defined by the Board in its certificate issued on September 4th, 1958, having signified in writing that they no longer wish to be represented by the respondent herein, and the respondent having notified the Board that it no longer claims to represent these employees, the Board declares that the respondent no longer represents the employees of The Coleman Lamp & Stove Co. Ltd., for whom it was certified as bargaining agent on September 4th, 1958."

20,131-60: William Martin, Lawrence Gilroy and Allen Johnson (Applicant) v. The International Typographical Union, Local 204 (Respondent). (Dismissed). (7 employees).

(Re: Hanson & Edgar Ltd.,
Kingston, Ontario).

APPLICATIONS FOR DECLARATION THAT STRIKE UNLAWFUL DISPOSED
OF DURING JULY, 1960

20,134-60: Lewis Brothers Hardware Limited (Toronto) (Applicant) v. Retail, Wholesale and Department Store Union, AFL; CIO: CLC and its Local 414 (Respondent). (Withdrawn).

20,142-60: Lewis Brothers Hardware Limited (Toronto) (Applicant) v. James Gilday et al (Respondent). (Withdrawn).

APPLICATIONS FOR CONSENT TO PROSECUTE DISPOSED OF DURING
JULY, 1960

19,802-60: Genalco Company Limited (Toronto) (Applicant) v. International Association of Machinists (Respondent). (Granted).

The Board endorsed the Record as follows:

"The Board consents to the institution of a prosecution of the respondent for a violation of section 32 (4) of The Labour Relations Act."

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MONTHLY REPORT OF THE ONTARIO LABOUR RELATIONS BOARD,

FOR THE MONTH OF AUGUST, 1960

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PART ONE

STATISTICAL TABLES

TABLE I

APPLICATIONS FILED WITH THE ONTARIO LABOUR RELATIONS BOARD

Type of Disposition	August	1st 5 months of fiscal year	
	1960	60-61	59-60
I. Certification	58	318	361
II. Declaration Terminating Bargaining Rights	2	19	40
III. Declaration of Successor Status	-	1	6
IV. Conciliation Services	81	475	563
Determination under Section 68 of Act	1	3	3
VI. Consent to Early Termination of Agreement	-	-	-
VII. Declaration that Strike Unlawful	3	12	13
VIII. Declaration that Lockout Unlawful	-	2	1
IX. Consent to Prosecute	4	41	56
X. Miscellaneous	<u>1</u>	<u>1</u>	<u>-</u>
TOTAL	150	872	1043

TABLE II

HEARINGS OF THE ONTARIO LABOUR RELATIONS BOARD

	August	Number	
	1960	60-60	59-60
Hearings and continuation of Hearings by the Board	88	371	519

TABLE III

APPLICATIONS DISPOSED OF BY THE ONTARIO LABOUR RELATIONS BOARD
BY MAJOR TYPES

Type of Application	Number of Applications Disposed of		
	August 1960	1st 5 months of fiscal year 60-71	59-60
I. Certification	60	344	332
II. Declaration Terminating Bargaining Rights	5	23	39
III. Declaration of Successor Status*	-	6	4
IV. Conciliation Services	90	461	590
V. Determination under Section 68 of Act	1	3	5
VI. Consent to Early Termination of Agreement	-	1	-
VII. Declaration that Strike Unlawful	-	13	17
VIII. Declaration that Lockout Unlawful	-	1	3
IX. Consent to Prosecute	5	41	61
X. Miscellaneous	<u>1</u>	<u>1</u>	<u>1</u>
TOTAL	<u>162</u>	<u>894</u>	<u>1052</u>

*This does not include cases in which the question of successor status arises as a collateral issue.

TABLE IV

APPLICATIONS DISPOSED OF BY THE ONTARIO LABOUR RELATIONS BOARD
BY TYPES AND BY DISPOSITION

Disposition	No. Appl'ns Disposed of			Employees*		
	Aug. '60	1st 5 mos. 60-61	fiscal yr. 59-60	Aug. '60	1st 5 mos. 60-61	fiscal yr. 59-60

I. Certification

Certified

CLC	33	203	189	589	5495	4244
Other	<u>3</u>	<u>33</u>	<u>38</u>	<u>39</u>	<u>855</u>	<u>826</u>
Total	36	236	227	628	6350	5070

Dismissed

CLC	11	56	63	305	1991	3741
Other	<u>5</u>	<u>17</u>	<u>13</u>	<u>81</u>	<u>721</u>	<u>664</u>
Total	16	73	76	386	2712	4405

Withdrawn

CLC	5	28	20	45	531	295
Other	<u>3</u>	<u>7</u>	<u>9</u>	<u>95</u>	<u>119</u>	<u>192</u>
Total	8	35	29	140	650	487

TOTAL:	<u>60</u>	<u>344</u>	<u>332</u>	<u>1154</u>	<u>9712</u>	<u>9962</u>
Certification Applications Disposed of						

*These figures refer to the number of employees directly affected, and are based on the number of employees in the bargaining units at the time the applications for certification were filed with the Board. Totals for applications dismissed and withdrawn are approximate.

- 168 - APPLICATIONS DISPOSED OF BY BOARD
(continued)

Disposition	No. Appl'ns Disposed of			*Employees		
	Aug. '60	Ist. 5 mos. 60-61	5 mos. fiscal yr 59-60	Aug. '60	Ist 5 mos. 60-61	fiscal 59-60

II. Termination
Bargaining Rights

Terminated

CLC	4	11	18	45	234	662
Other	-	<u>2</u>	<u>2</u>	-	<u>56</u>	<u>7</u>
Total	4	13	20	45	290	669

Dismissed

CLC	1	5	16	2	21	559
Other	-	<u>1</u>	<u>2</u>	-	<u>17</u>	<u>11</u>
Total	1	6	18	2	38	570

Withdrawn

CLC	-	4	-	-	380	-
Other	-	-	<u>1</u>	-	-	<u>104</u>
Total	-	4	1	-	380	104

TOTAL:	<u>5</u>	<u>23</u>	<u>39</u>	<u>47</u>	<u>708</u>	<u>1343</u>
Termination Applications Disposed of						

*These figures refer to the number of employees directly affected, and are based on the number of employees in the bargaining units at the time the applications were filed with the Board. Totals for termination applications dismissed and withdrawn are approximate.

- 169 - APPLICATIONS DISPOSED OF BY BOARD
(continued)

Disposition	Number of Applications Disposed of		
	August 1960	1st 5 months of fiscal year 60-61	59-60

III. Successor Status

Granted	-	5	4
Dismissed	-	1	-
Withdrawn	<u>-</u>	<u>-</u>	<u>-</u>
Total	<u>-</u>	<u>6</u>	<u>4</u>

IV. Conciliation Services*

Referred

CLC	64	368	471
Other	<u>20</u>	<u>68</u>	<u>67</u>
Total	84	436	538

Dismissed

CLC	1	4	23
Other	<u>-</u>	<u>2</u>	<u>-</u>
Total	<u>1</u>	<u>6</u>	<u>23</u>

Withdrawn

CLC	4	14	28
Other	<u>1</u>	<u>5</u>	<u>1</u>
Total	5	19	29

TOTAL:	<u>90</u>	<u>461</u>	<u>590</u>
Conciliation Applications Disposed of			

*Includes applications for conciliation services re unions claiming successor status.

- 170 - APPLICATIONS DISPOSED OF BY BOARD
(continued)

Disposition	Number of Applications Disposed of		
	August 1960	1st 5 months of fiscal year 60-61	59-60

V. Determination under
section 68

Granted	-	1	1
Dismissed	-	1	1
Withdrawn	<u>1</u>	<u>1</u>	<u>3</u>
Total	<u>1</u>	<u>3</u>	<u>5</u>

VI. Consent to Early
Termination of
Agreement

Granted	-	1	-
Dismissed	-	-	-
Withdrawn	<u>-</u>	<u>-</u>	<u>-</u>
Total	<u>-</u>	<u>1</u>	<u>-</u>

VII. Declaration that
Strike Unlawful

Granted	-	1	2
Dismissed	-	1	2
Withdrawn	<u>-</u>	<u>11</u>	<u>13</u>
Total	<u>-</u>	<u>13</u>	<u>17</u>

- 171 - APPLICATIONS DISPOSED OF BY BOARD
(continued)

Disposition	Number of Applications Disposed of		
	August 1960	1st 5 months of fiscal year 60-61	59-60

VIII. Declaration that
Lockout Unlawful

Granted	-	1	-
Dismissed	-	-	-
Withdrawn	<u>-</u>	<u>-</u>	<u>-</u>
Total	<u>-</u>	<u>1</u>	<u>-</u>

IX. Consent to
Prosecute

Granted	2	13	20
Dismissed	-	2	6
Withdrawn	<u>3</u>	<u>26</u>	<u>35</u>
Total	<u>5</u>	<u>41</u>	<u>61</u>

X. Miscellaneous*

Granted	1	1	-
Dismissed	-	-	1
Withdrawn	<u>-</u>	<u>-</u>	<u>-</u>
Total	<u>1</u>	<u>1</u>	<u>1</u>

*See Case Listings for details.

TABLE V

REPRESENTATION VOTES IN CERTIFICATION APPLICATIONS DISPOSED OF BY THE BOARD

Disposition	Number of Votes		
	August 1960	1st 5 months of fiscal year 60-61	59-60
<hr/>			
(1)			
<u>Certification After Vote</u>			
<u>Ballot Choice</u>			
Yes-No	2	15	13
Choice between 2 unions	-	8	11
Other	-	-	-
<u>Total Certified:</u>	2	23	24
 <u>Dismissed After Vote</u>			
<u>Ballot Choice</u>			
Yes-No	4	26	23
Choice between 2 Unions	-	6	6
Other	-	-	-
<u>Total Dismissed:</u>	<u>4</u>	<u>32</u>	<u>29</u>
 GRAND TOTAL:	 <u>6</u>	 <u>55</u>	 <u>53</u>
Certification Appl'ns Disposed of after vote			

(1) See Explanatory Notes, April 1960 Report, Page 3.

TABLE VI

REPRESENTATION VOTES IN TERMINATION APPLICATIONS DISPOSED OF
BY THE BOARD

Disposition	Number of votes		
	August 1960	1st 5 months of fiscal year 60-61	59-60
<u>Respondent Union Successful*</u>			
CLC	-	1	3
Other	<u>-</u>	<u>1</u>	<u>-</u>
Total	-	2	3
<u>Respondent Union Unsuccessful</u>			
CLC	2	4	15
Other	-	3	2
Total	<u>2</u>	<u>7</u>	<u>17</u>
GRAND TOTAL:	<u>2</u>	<u>9</u>	<u>20</u>
Termination Appli'ns Disposed of after vote			

*In termination proceedings where a vote is taken, the applicant is a group of employees, or the employer; the incumbent union is thus the respondent.

PART TWO

CASE LISTINGS

APPLICATIONS DISPOSED OF BY THE ONTARIO LABOUR RELATIONS
BOARD DURING AUGUST, 1960

Bargaining Agents Certified During August

No Vote Conducted

19,472-60: The Lumber & Sawmill Workers' Union, Local 2693, of the United Brotherhood of Carpenters and Joiners of America (Applicant) v. Arthur Gagnon (woods operations in the area north of Locke Bay covered by license no. 1712 issued by the Department of Lands and Forests in the Township of Umback in the District of Kenora) (Respondent).

Unit: "all employees of the respondent engaged in its woods operations in the area north of Locke Bay covered by license no. 1712 issued by the Department of Lands and Forests in the Township of Umback in the District of Kenora, save and except foremen, persons above the rank of foreman, office staff and scalers." (13 employees in the unit).

The Board endorsed the Record as follows:

"The Board finds that the persons alleged by the respondent to be independent contractors are employees of the respondent within the meaning of The Labour Relations Act."

19,855-60: National Union of Public Employees, CLC (Applicant) v. The Town of Trenton (Respondent).

Unit: "all employees of the respondent, save and except foremen, persons above the rank of foreman, engineering department employees, parking committee employees, parks board employees, office staff, persons regularly employed for not more than 24 hours per week and students hired for the school vacation period." (25 employees in the unit).

19,921-60: District 50, United Mine Workers of America (Applicant) v. Allied Fluorescent & Incandescent Ltd. (Toronto Township) (Respondent).

Unit: "all employees of the respondent in its Allied Electric Manufacturing Division at Toronto Township, save and except foremen, persons above the rank of foreman, office and sales staff." (27 employees in the unit).

19,954-60: Amalgamated Meat Cutters and Butcher Workmen of North America, AFL-CIO (Applicant) v. Steinberg's Limited (meat department employees, City of London and Townships of Westminster and London) (Respondent).

Unit: "all employees of the respondent in its meat departments in its stores at London, and in the Townships of London and Westminster, save and except meat department managers, and persons above the rank of meat department manager." (15 employees in the unit).

The Board endorsed the Record as follows:

"For the purposes of clarity the Board declares that wrappers, delicatessen and scale girls, and delicatessen clerks, are included in the bargaining unit".

20,006-60: International Hod Carriers', Building and Common Labourers', Union of America, Local 527 (A.F.L.-C.I.O.) (C.L.C.), (Applicant) v. James Tapp and Sons Limited. (Ottawa) (Respondent).

Unit: "all construction labourers of the respondent employed at and working out of Ottawa save and except non-working foremen and persons above the rank of non-working foreman." (23 employees in the unit).

20,014-60: United Brotherhood of Carpenters and Joiners of America (Applicant) v. Tellier & Groleau General Contractors (Cornwall) (Respondent).

Unit: "all carpenters and carpenters' apprentices in the employ of the respondent at its C.M.H.C. Housing Project No. FP3-57 at Cornwall, save and except non-working foremen and persons above the rank of non-working foreman." (22 employees in the unit).

20,195-60: United Steelworkers of America, (Applicant) v. Court Galvanizing Ltd. (Guelph) (Respondent).

Unit: "all employees of the respondent at Guelph, save and except foremen, persons above the rank of foreman, and office staff." (14 employees in the unit).

20,196-60: International Hod Carriers', Building and Common Labourers' Union of America, Local 527 (AFL-CIO) CLC (Applicant) v. Berlin Motels Ltd. (Ottawa) (Respondent).

Unit: "all construction labourers in the employ of the respondent at its motel project on Rideau Street at Ottawa, save and except non-working foremen and persons above the rank of non-working foreman." (5 employees in the unit).

20,204-60: Amalgamated Clothing Workers of America (Applicant) v. Deacon Brothers Sportswear Limited (Belleville) (Respondent). v. Belle-Tex Association (Intervener).

The Board endorsed the Record as follows:

Having regard

(1) to the previous findings of the Board in Belle-Tex Association and Deacon Brothers Sportswear Limited, File No. 18899-59.

(2) to the failure of the intervener in the present case to adduce any evidence with respect to its transition from being an organization that fell within the mischief of section 9 of The Labour Relations Act (see Canadian Fabricated Case (1955), C.C.H. Canadian Labour Law Reports, Transfer Binder (1955-1959).

(3) to the provisions of section 34 (a) of The Labour Relations Act and

(4) to all the other circumstances of this case, the Board finds that the agreement dated July 7, 1960 between the respondent and the intervener is not a collective agreement within the meaning of The Labour Relations Act and is accordingly not a bar to the present application.

Unit: "all employees of the respondent at Belleville, save and except foremen, foreladies, persons above the rank of foreman or forelady, office and sales staff and persons regularly employed for not more than 24 hours per week." (72 employees in the unit).

20,214-60: Canadian Labour Congress, Local #24210, (Applicant) v. Anco Products (St. Marys) (Respondent).

Unit: "all employees of the respondent at St. Marys, save and except foremen, foreladies, persons above the rank of foreman or forelady, office and sales staff and students hired for the school vacation period."
(18 employees in the unit).

20,215-60: International Hod Carriers' Building and Common Labourers' Union of America, Local 493, (Applicant) v. Anglin-Norcross Ontario Limited (at its Bell Telephone Exchange Building project at North Bay) (Respondent).

Unit: "all construction labourers in the employ of the respondent at its Bell Telephone Exchange Building project at North Bay, save and except non-working foremen and persons above the rank of non-working foreman."
(26 employees in the unit).

20,217-60: United Steelworkers of America, (Applicant) v. National Aluminum Products Company Limited (Pickering) (Respondent).

Unit: "all employees of the respondent at its plant at Pickering, save and except foremen, persons above the rank of foreman and office and sales staff."
(25 employees in the unit).

20,220-60: National Union of Public Service Employees (Applicant) v. The Corporation of the Town of Thorold (Respondent).

Unit: "all employees of the respondent, save and except foremen, persons above the rank of foreman, office staff and students hired for the school vacation period."
(17 employees in the unit).

20,224-60: United Plant Guard Workers of America, Local 1958, (Applicant) v. Massey-Ferguson Limited (Verity Factory at Brantford) (Respondent).

Unit: "all plant guards in the employ of the respondent at its operation at the Verity Factory at Brantford, save and except guard sergeants and persons above the rank of guard sergeant." (8 employees in the unit).

20,225-60: International Hod Carriers', Building and Common Labourers' Union of America, Local 527 (A.F.L.-C.I.O.) (C.L.C.) (Applicant) v. J. A. Jones Construction Co. (Canada) Ltd. (Ottawa) (Respondent).

Unit: "all construction labourers in the employ of the respondent at Ottawa, save and except non-working foremen and persons above the rank of non-working foreman."
(12 employees in the unit).

20,230-60: Local 280 of the Hotel & Restaurant Employees' & Bartenders' International Union (Applicant) v. Wilton Court Hotel (Toronto) Ltd. (Toronto) (Respondent).

Unit: "all tapmen, bartenders, beverage waiters, bar boys and improvers in the employ of the respondent at the West-over Hotel in Toronto, save and except manager, persons above the rank of manager and persons regularly employed for not more than 24 hours per week."
(5 employees in the unit).

20,231-60: Laundry, Dry Cleaning and Dye House Workers International Union, Local 351 (Applicant) v. Service Sanitary Linen Supply Co. Ltd. (Toronto) (Respondent).

Unit: "all employees of the respondent at Toronto, save and except foremen, persons above the rank of foreman, truck drivers and office and sales staff." (16 employees in the unit).
(Unit agreed to by the parties).

20,232-60: Laundry, Dry Cleaning and Dye House Workers International Union, Local 351 (Applicant) v. Canada Laundry Co. Ltd. (Toronto) (Respondent).

Unit: "all employees of the respondent, save and except foremen, persons above the rank of foreman, drivers, salesmen and office staff." (58 employees in the unit).
(Unit agreed to by the parties).

20,235-60: United Brotherhood of Carpenters and Joiners of America, Local 2486 (Applicant) v. Thadde C. Taillefer (City of Sudbury and within a radius of thirty-five miles from the City of Sudbury Federal Building) (Respondent).

Unit: "all carpenters and carpenters' apprentices in the employ of the respondent in the City of Sudbury and within a radius of thirty-five miles from the City of Sudbury Federal Building, save and except non-working foremen and persons above the rank of non-ranking foreman."
(7 employees in the unit).

20,236-60: United Brotherhood of Carpenters and Joiners of America, Local 2486 (Applicant) v. Waino Lahti (in the City of Sudbury and within a thirty-five mile radius from the City of Sudbury Federal Building) (Respondent).

Unit: "all carpenters and carpenters' apprentices in the employ of the respondent in the City of Sudbury and within a thirty-five mile radius from the City of Sudbury Federal Building, save and except non-working foremen, and persons above the rank of non-working foreman."
(4 employees in the unit).

20,242-60: Bricklayers, Masons and Plasterers International Union of America Local No 5 (Applicant) v. Scfalcin Masonry Contractor (London) (Respondent).

Unit: "all bricklayers and their apprentices of the respondent employed at and working out of London, save and except non-working foremen and persons above the rank of non-working foreman." (3 employees in the unit).

20,243-60: The United Brotherhood of Carpenters and Joiners of America, Local 1946 (Applicant) v. Lavern Asmussen Limited (Westminster Township) (Respondent).

Unit: "all carpenters and carpenters' apprentices in the employ of the respondent on its shoe factory project in Westminster Township, save and except non-working foremen and persons above the rank of non-working foreman."
(4 employees in the unit).

20,250-60: United Steelworkers of America (Applicant) v. Crane Packing Company Limited (Hamilton) (Respondent).

Unit: "all employees of the respondent at Hamilton, save and except foremen, foreladies, persons above the rank of foreman or forelady, office and sales staff and students hired for the school vacation period."
(31 employees in the unit).

20,253-60: United Packinghouse, Food and Allied Workers (Applicant) v. Atkins & Durbrow (Erie) Ltd. (Township of Wainfleet) (Respondent).

Unit: "all employees of the respondent in the Township of Wainfleet, save and except foremen, persons above the rank of foreman, office and sales staff and persons regularly employed for not more than 24 hours per week."
(34 employees in the unit).

20,277-60: Ready Mix, Building Supply, Hydro and Construction Drivers, Warehousemen and Helpers, Local Union No. 230, of the International Brotherhood of Teamsters (Applicant) v. A.B.C. Ready Mix Limited (Chinguacousy Township) (Respondent).

Unit: "all employees of the respondent in Chinguacousy Township, save and except foremen, persons above the rank of foreman, dispatchers and office and sales staff."
(12 employees in the unit).

20.281-60: The Sheet Metal Workers' International Association Local Union # 233 (Applicant) v. Columbia Metal Rolling Mills Limited (Metropolitan Toronto) (Respondent).

Unit: "all employees of the respondent at Metropolitan Toronto, save and except foremen, persons above the rank of foreman, office and sales staff and persons bound by a subsisting collective agreement between the respondent and Sheet Metal Workers Union #30." (8 employees in the unit).

20.309-60: Bricklayers Masons, Plasterers, Cement Finishers of America, Local Union No. 13 (Applicant) v. Quenneville Bros. (Cornwall) (Respondent).

Unit: "all bricklayers, and their apprentices of the respondent employed at and working out of Cornwall, save and except non-working foremen and persons above the rank of non-working foreman." (9 employees in the unit).

20.311-60: Bricklayers, Masons, Plasterers, Cement Finishers of America, Local Union No. 13 (Applicant) v. John Entwistle Construction Limited (Cornwall) (Respondent).

Unit: "all bricklayers, and their apprentices of the respondent employed at and working out of Cornwall, save and except non-working foreman and persons above the rank of non-working foreman." (5 employees in the unit).

20.325-60: International Union of Operating Engineers, Local 944, (Applicant) v. Northern Electric Company, Limited. (Township of Westminster) (Respondent).

Unit: "all stationary engineers and persons primarily engaged as their helpers employed in the power house of the respondent in the Township of Westminster, save and except section chief engineer and persons above the rank of section chief engineer." (4 employees in the unit).

20.332-60: United Cement Lime and Gypsum Workers' International Union A.F.L.-C.I.O.-C.L.C. (Applicant) v. Milton Quarries Limited (Hamilton) (Respondent).

Unit: "all employees of the respondent at Hamilton, save and except foremen, persons above the rank of foreman, and office and sales staff." (27 employees in the unit).

20.340-60: Sheet Metal Workers' International Association, Local Union 397 (Applicant) v. The Northern Engineering & Supply Co. Limited (Fort William) (Respondent).

Unit: "all employees of the respondent at Fort William engaged in the application of roofing material (other than wood shingles and metal) save and except non-working foremen and persons above the rank of non-working foreman, office staff and persons covered by subsisting collective agreements." (9 employees in the unit).

20.347-60: Lumber and Sawmill Workers' Union, Local 2995, of the United Brotherhood of Carpenters & Joiners of America, A.F.L.-C.I.O. (Applicant) v. Paul Lahaie Limited (in its bush operations in the Townships of Hincks and in the townships immediately adjacent thereto) (Respondent).

Unit: "all employees of the respondent in its bush operations in the Townships of Hincks and in the townships immediately adjacent thereto, save and except foremen, persons above the rank of foreman, office staff, scalers and tallymen." (9 employees in the unit).

20.348-60: Lumber and Sawmill Workers' Union, Local 2995, of the United Brotherhood of Carpenters & Joiners of America, A.F.L.-C.I.O. (Applicant) v. Queont Mining Lumber Limited (in its bush operations in the Township of Hincks and in the townships immediately adjacent thereto) (Respondent).

Unit: "all employees of the respondent in its bush operations in the Township of Hincks and in the townships immediately adjacent thereto, save and except foremen, persons above the rank of foreman, scalers and tallymen." (23 employees in the unit).

20.368-60: Hotel & Restaurant Employees & Bartenders' International Union, Restaurant, Cafeteria & Tavern Employees Union, Local 254, (Applicant) v. The Famous Food Shops Limited (A.V. Roe Company of Canada Plant at Malton (Avro Aircraft)). (Respondent).

Unit: "all employees of the respondent working at its operations at the A. V. Roe Company of Canada plant at Malton, (Avro Aircraft) save and except assistant manager, persons above the rank of assistant manager, head chef and office staff." (11 employees in the unit).

CERTIFIED SUBSEQUENT TO VOTE

19,022-59: Office Employees International Union, Local 131
AFL-CIO (Applicant) v. Dunham-Bush (Canada) Limited
(Metropolitan Toronto) (Respondent).

Unit: "all office and clerical employees of the respondent at its plant in Metropolitan Toronto, save and except department managers, persons above the rank of department manager, assistant sales manager, treasurer, controller, chief accountant, order and billing supervisor, sales engineering supervisor, standards supervisor, senior engineer, production engineer, project engineer, personnel officer and the confidential secretary to the president and general manager." (25 employees in the unit).

The Board endorsed the Record in part as follows:

"For the purposes of clarity the Board declares that Miss C.I. Baldwin (bookkeeper), Miss D.V. Large (switchboard operator), Mr. A.K. Perkins (time study), Mr. A. Fuge (sales promotion production supervisor), Mr. D.M. Anderson (cost accounts clerk), and Mr. A.R. Smith (estimator) are included in the bargaining unit."

The Board further endorsed the Record in part as follows:

"Counsel for the respondent company submitted that the application should be dismissed on the ground that Mr. B. Lynch, a member of the Respondent's supervisory personnel had participated in the Applicant's organizing activities among the Respondent's employees". While it is clear from the report of the examiner that Mr. B. Lynch, who was classified by the respondent company as personnel officer, was at the time of enquiry before the examiner exercising managerial functions, nevertheless, during the period in the latter part of November, when the organizational campaign was being conducted by the applicant union, as the applicant's membership cards reveal, Lynch was in fact and had for some months been performing functions in the production unit which had no managerial characteristics, albeit without any change in his classification having been made. He returned to personnel work just as the union's organizational campaign was coming to a close, the vast majority of the cards having been signed up before that time.

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The facts of this case are therefore distinguishable from those in the McCarthy Milling Company Case, (1954) Canadian Labour Law Reports, Transfer Binder ¶17,070, and the Swift Canadian Co. Case, (1954) Canadian Labour Law Reports, Transfer Binder ¶17,071, where recruitment of members into the respective unions was engaged in by persons whose function at the material stage was such that there could be no question in the minds of any employee but that they were at that very time exercising managerial functions. However, in view of the rather equivocal nature of Mr. Lynch's position during the weeks when the campaign of the applicant was underway, we are of the opinion that this is a case in which we should exercise our discretion to direct that a representation vote be taken."

Number of names on revised eligibility list		25
Number of ballots cast	25	
Number of ballots marked in favour of applicant	16	
Number of ballots marked as opposed to applicant	9	

19.628-60: International Hod Carriers', Building and Common Labourers' Union of America, (AFL-CIO) (CLC) Local 527 (Applicant) v. M. Sullivan and Son Limited (Defence Research Project, Shirley Bay) (Respondent).

Unit: "all construction labourers in the employ of the respondent on its Defence Research Project at Shirley Bay, save and except non-working foremen and persons above the rank of non-working foreman." (2 employees in the unit).

Number of names on eligibility list		3
Number of ballots cast	3	
Number of ballots marked in favour of applicant	3	
Number of ballots marked as opposed to applicant	0	

APPLICATIONS FOR CERTIFICATION DISMISSED DURING AUGUST 1960

No Vote Conducted

19,212-59: United Brotherhood of Carpenters and Joiners of America, Local Union 1758 (Applicant) v. John Flynn Construction (Township of Augusta) (Respondent). (2 employees).

The Board endorsed the Record as follows:

"Having regard to the evidence the Board finds that Francis A. Garrah exercises managerial function. As the respondent has only one other employee the Board finds that any bargaining unit which it might deem to be appropriate in this case would necessarily consist of not more than one employee and the application is accordingly dismissed."

Board Members, G.R. Harvey and D.B. Archer dissented and said:

"We dissent. Having regard to the evidence we would have found that Francis A. Garrah does not exercise managerial functions and we would have certified the applicant."

19,664-60: Canadian Brotherhood of Welders & Burners (International) (Applicant) v. Custom Ho-Carts (London) (Respondent). (3 employees).

The Board endorsed the Record as follows:

"For the reasons given in the J. Harris & Sons Limited Case, this application is dismissed."

19,665-60: Canadian Brotherhood of Welders & Burners (International) (Applicant) v. J. Harris & Sons Limited (London) (Respondent). (20 employees).

The Board endorsed the Record as follows:

"For the reasons given in writing this application is dismissed."

20,152-60: Chef Boy-Ar-Dee Employee's Association (Applicant) v. Canadian Home Products Limited (Niagara Falls) (Respondent). (38 employees).

The Board endorsed the Record as follows:

"For the reasons given in writing this application is dismissed."

20,234-60: United Brotherhood of Carpenters and Joiners of America, Local #2486 (Applicant) v. V. A. Kahkonen (City of Sudbury, and within a 35 mile radius from the City of Sudbury Federal Building) (Respondent). (23 employees).

The Board endorsed the Record as follows:

"Although the applicant has requested leave to withdraw its application herein, the Board, following its usual practice in such cases, dismisses the application."

20,249-60: International Union of Operating Engineers Local 796 (Applicant) v. Royal York Hotel, Toronto, Ontario (Respondent) v. Hotel and Club Employees' Union, Local 299, Toronto (Intervener). (12 employees).

The Board endorsed the Record as follows:

"The applicant union seeks to sever a unit of all maintenance electricians and their helpers save and except the chief engineer from an existing bargaining unit of hotel employees represented by the intervening union. On the basis of its established policies, and having regard to the evidence and representations of the parties, the Board is unable to find that such a group of employees constitutes an appropriate bargaining unit."

20,266-60: General Truck Drivers, Local 879, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers (Applicant) v. Hanover Transport Limited (Stratford) (Respondent). (4 employees).

The Board endorsed the Record as follows:

"Application dismissed by reason of the non-appearance of the applicant at the hearing held by the Board in the matter."

20,275-60: International Hod Carriers', Building and Common Labourers' Union of America, Local 1250, (AFL-CIO) (CLC) (Applicant) v. Spino Construction Company Limited (Ottawa) (Respondent). (27 employees).

The Board endorsed the Record as follows:

"Although the applicant has requested leave to withdraw its application herein, the Board, following its usual practice in such cases, dismissed the Application."

20,276 60: Sportswear Union, Local 199, International Ladies Garment Workers Union (Applicant) v. Coles of California (Oshawa) (Respondent). (1 employee).

The Board endorsed the Record as follows:

"The Board finds that on the date of the filing of this Application, the Respondent did not have in its employ more than one employee. This application is, therefore, dismissed."

20,314-60: National Union of Public Service Employees (Applicant) v. Corporation of the Town of Port Dover (Respondent). (4 employees).

The Board endorsed the Record as follows:

"The Board finds that the respondent is a municipality, as defined in the Department of Municipal Affairs Act, and that it has declared under Section 78 of The Labour Relations Act that that Act shall not apply to it in its relations with its employees or any of them. In view of the action of the respondent in making such a declaration, the Board has no jurisdiction to process this application further, and the proceeding is accordingly terminated."

20,328-60: The United Garment Workers of America, Local 253, (Applicant) v. Mister New York Limited (Toronto) (Respondent).

The Board endorsed the Record as follows:

"Application dismissed by reason of the non-appearance of the applicant at the hearing held by the Board in the matter."

20,374-60: The Canadian Union of Operating Engineers (Applicant) v. The Royal York Hotel (Respondent) v. Hotel & Club Employees' Union, Local 299, 26 Queen Street, East, Room 510, Toronto 1, Ontario (Intervener). (8 employees).

The Board endorsed the Record as follows:

"The applicant union seeks to sever a unit of all air conditioning operators and their helpers from an existing bargaining unit of hotel employees represented by the intervening union."

On the basis of its established policies, and having regard to the evidence and representations of the parties, the Board is unable to find that such group of employees constitutes an appropriate bargaining unit."

Applications for Certification Dismissed Subsequent to Vote

19,773-60: United Rubber, Cork, Linoleum and Plastic Workers of America, AFL-CIO-CLC (Applicant) v. Savage shoes Limited (Fergus Plant) (Respondent).

Unit: "all employees of the respondent at its plant at Fergus, save and except foremen, foreladies, persons above the rank of foreman or forelady, and office and sales staff." (119 employees in the unit).

The Board endorsed the Record as follows:

"For the reasons given in writing this application is dismissed."

Board Member, D.B. Archer dissented and said:

"For the reasons given in writing I dissent. I would have ordered a new vote."

Number of names on revised eligibility list		115
Number of ballots cast	115	
Number of ballots marked in favour of applicant	49	
Number of ballots marked as opposed to applicant	66	

20,072-60: International Woodworkers of America (Applicant) v. Beatty Bros. Limited (Beatty Ladder Company Division, Lucknow) (Respondent).

Unit: "all employees of the respondent in its Beatty Ladder Company Division at Lucknow, save and except foremen, persons above the rank of foreman and office staff." (25 employees in the unit).

Number of names on eligibility list		25
Number of ballots cast	25	
Number of ballots marked in favour of applicant	2	
Number of ballots marked as opposed to applicant	16	

20,099-60: International Union of Electrical, Radio and Machine Workers, AFL-CIO, CLC (Applicant) v. Black and Decker Mfg. Co. Ltd. (Brockville) (Respondent).

Unit: "all employees of the respondent at Brockville, save and except assistant foremen, persons above the rank of assistant foreman, security guards and office and sales staff." (61 employees in the unit).

The Board endorsed the Record in part as follows:

"The Board notes the agreement of the parties to exclude assistant foremen from the bargaining unit."

Number of names on revised eligibility list		59
Number of ballots cast	59	
Number of ballots segregated (not counted)	1	
Number of ballots spoiled	1	
Number of ballots marked in favour of applicant	19	
Number of ballots marked as opposed to applicant	37	

20,121-60: Upholsterers' International Union of North America Local #30 (Applicant) v. Restline Chair Company (Toronto) (Respondent).

Unit: "all employees of the respondent at Toronto, save and except foremen, persons above the rank of foreman, and office and sales staff." (7 employees in the unit).

Number of names on revised eligibility list		7
Number of ballots cast	7	
Number of spoiled ballots	1	
Number of ballots marked in favour of applicant	2	
Number of ballots marked as opposed to applicant	4	

APPLICATIONS FOR CERTIFICATION WITHDRAWN DURING AUGUST, 1960.

18,693-59: Local Union #796 Sarnia City Employees, The American Federation of State, County and Municipal Employees, AFL-CIO (Applicant) v. Sarnia Transit Company Limited (Sarnia) (Respondent) v. Amalgamated Association of Street Electric Railway and Motor Coach Employees of America, AFL-CIO-CLC (Intervener). (25 employees).

18,698-59: General Truck Drivers' Union, Local 938, affiliated with the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America (Applicant) v. Cope-Tiveron Transport Limited (Ottawa Branch) (Respondent). (4 employees).

19,912-60: International Hod Carriers' Building and Common Labourers' Union of America, Local Union #597 (Applicant) v. Jas. McKay & Sons (Excavating Contractors (Oshawa) (Respondent). (4 employees).

The Board endorsed the Record as follows:

"In all the circumstances of this case the Board grants leave to the applicant to withdraw its application."

20,229-60: International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers Local 419, Warehousemen and Miscellaneous Drivers (Applicant) v. H. M. Mackie Co. Ltd. (Oshawa) (Respondent). (8 employees).

The Board endorsed the Record as follows:

"The Board, being of the opinion that the employees in the proposed bargaining unit are not within the exclusive jurisdiction of the Province of Ontario for the purposes of The Labour Relations Act, grants leave of the applicant to withdraw its application."

20,237-60: Lumber and Sawmill Workers' Union, Local 2995 of the United Brotherhood of Carpenters and Joiners of America, A.F.L.-C.I.O. (Applicant) v. Paul Lahale (Bush Operations, District of Timiskaming) (Respondent). (8 employees).

20,301-60: Laundry, Dry Cleaning and Dye House Workers' International Union, Local 351 (Applicant) v. Feasby Laundry and Dry Cleaners (St. Catharines) (Respondent).

20,333-60: General Truck Drivers' Union, Local 938 affiliated with the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America (Applicant) v. Federal Farms Limited (Bradford) (Respondent). (83 employees).

20,387-60: United Brotherhood of Carpenters and Joiners of America, Local Union 93 (Applicant) v. Beta Construction Company Limited (Ottawa) (Respondent). (8 employees).

APPLICATIONS FOR DECLARATION TERMINATING BARGAINING RIGHTS

DISPOSED OF DURING AUGUST, 1960

19,392-60: George H. Noon and other employees (Applicant) v. International Union of Operating Engineers (Respondent). (Granted). (8 employees).

(Re: First Co-operative Packers of Ontario,
Barrie, Ontario)

On August 3rd, 1960 the Board endorsed the Record in part as follows:

"The applicants are employees who applied for termination of the respondent union's bargaining rights, not in their own names as applicants, but erroneously in the name of the respondent union. Having regard to all the evidence, the Board is satisfied that the applicants intended to apply on their own behalf, and that the name of the union as applicant is a misnomer. The Board is also satisfied on the evidence that no interested party has been misled or prejudiced by reason of the misnomer of the applicant nor will be misled or prejudiced if the name of the applicant is now amended. Accordingly, and as no representations were made by the union on this point, the Board directs that the name of the union as applicant be amended by substituting therefor the following: 'George H. Noon and other employees'."

19,828-60: Local 553 of International Union of Electrical Radio & Machine Workers AFL-CIO-CLC (Applicant) v. International Union of Electrical Radio & Machine Workers AFL-CIO-CLC (Respondent). (Granted). (21 employees).

(Re: Pyrotenax of Canada Limited,
Toronto, Ontario)

On June 29th, 1960 the Board endorsed the Record as follows:

"For the reasons given in writing a representation vote will be conducted among the employees of Pyrotenax of Canada Limited."

Board Member D.B. Archer dissented and said:

"For the reasons given in writing I dissent. I would have dismissed the application."

Number of names on revised eligibility list		13
Number of ballots cast	13	
Number of ballots marked in favour of respondent	5	
Number of ballots marked as opposed to respondent	8	

20,076-60: Rolly Maisonneuve, James W. Patterson, Jean-Marie Grenier, Rolland Beauchamp, V. Gagnon, Alfred Domingue, Robert A. Wakerell, Rene Cadieux, Carmel Larento, Ray Good and Edward Gagne (Applicants) v. United Brotherhood of Carpenters and Joiners of America, Local Union 93 (Respondent). (Granted). (14 employees).

(Re: Assaly Construction Limited,
Ottawa, Ontario)

Number of names on eligibility list		11
Number of ballots cast	11	
Number of ballots segregated (not counted)	1	
Number of ballots marked in favour of respondent	0	
Number of ballots marked as opposed to respondent	10	

20,186-60: Sheldon Hochberg, of the City of Windsor, in the County of Essex and Province of Ontario and Donald Hodgkinson, of the Town of Riverside, in the County of Essex and Province of Ontario (Applicant) v. Retail, Wholesale and Department Store Union, Local 1002 (Respondent). (Granted). (2 employees).

Re: Brotherhood Men's Store,
Windsor, Ontario)

20,221-60: Jim Strachan & Floyd Wood (Applicant) v. Lumber & Sawmill Workers Union Local 2693 United Brotherhood of Carpenters & Joiners of America (Respondent). (Dismissed). (2 employees).

(Re: Myers Lumber Co. (F.F.) Ltd.,
Fort Frances, Ontario)

The Board endorsed the Record as follows:

"As thirty days did not elapse between the date the Minister of Labour advised the parties that he did not deem it advisable to appoint a conciliation board, and the date of the filing of this application, having regard to the provisions of section 44 (1) of The Labour Relations Act, this application is untimely and is accordingly dismissed."

APPLICATIONS UNDER SECTION 68 DISPOSED OF DURING AUGUST, 1960

20,148-60: International Union, United Automobile, Aircraft and Agricultural Implement Workers of America, affiliated with the American Federation of Labour and Congress of Industrial Organizations and its Local 195 (Applicant) v. Sun Tool and Stamping Company Limited (Windsor) (Respondent). (Withdrawn)

APPLICATIONS FOR CONSENT TO PROSECUTE DISPOSED OF DURING

AUGUST, 1960

20,176-60: United Brotherhood of Carpenters and Joiners of America, Local Union 1669 (Applicant) v. Farquhar Construction Limited (Kenora) (Respondent). (Withdrawn).

20,279-60: United Rubber, Cork, Linoleum & Plastic Workers of America, Local 88 (Applicant) v. Kaufman Rubber (Ontario) Limited (Kitchener) (Respondent). (Withdrawn).

20,280-60: The United Brotherhood of Carpenters and Joiners of America, Local Union 1669 (Applicant) v. Bergman & Nelson Limited (Kenora) (Respondent). (Granted).

The Board endorsed the Record as follows:

"The Board consents to the institution of a prosecution of the respondent for the violation of Section 47 (b) of The Labour Relations Act."

20,308-60: Amalgamated Meat Cutters & Butcher Workmen of North America, AFL-CIO (Applicant) v. Hide Trading Limited (Toronto) (Respondent). (Granted).

The Board endorsed the Record as follows:

"The Board consents to the institution of a prosecution of the respondent for failure to comply with the provisions of section 11, contrary to section 61 of The Labour Relations Act."

20,385-60: Local 164 Draftsmen's Association of Ontario, American Federation of Technical Engineers (Applicant) v. James R. Kearney Corporation of Canada Limited (Guelph) (Respondent). (Withdrawn).

APPLICATIONS UNDER SECTION 12 (3) DISPOSED OF DURING AUGUST,

1960

20,355-60: The Bricklayers' and Masons' Union Local No. 1, Ontario of the Bricklayers', Masons' and Plasterers' International Union of America (Applicant) v. Mrs. Margarete Roth, carrying on Business as: Roth Masonry Contractors (Hamilton) (Respondent).

The Board endorsed the Record as follows:

"At the opening of this case counsel for the respondent while not admitting the charges made by the applicant, undertook to meet with a bargaining committee of the applicant consisting of one or more officers of the trade union who are not employees of the respondent, and counsel further stated that if the Board deemed it advisable to make an order under section 12 (3) of The Labour Relations Act he would have no objection.

Having regard to these representations, counsel for the applicant agreed that it would not be necessary to adduce any evidence.

In all the circumstances, therefore, the Board authorizes the applicant to be represented in collective bargaining with the respondent by a bargaining committee consisting of one or more officers or other representatives of the applicant who are not employees of the respondent."

SPECIAL ENDORSEMENTS IN CERTIFICATION APPLICATIONS DURING
AUGUST, 1960

18,871-59: General Truck Drivers' Union, Local 938, affiliated with the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America (Applicant) v. Direct Winters Transport Limited (Metropolitan Toronto) (Respondent). (Granted).

On August 29th, 1960, the Board further endorsed the Record as follows:

"We have carefully considered the respondent's letters of August 3rd, 1960, and August 11th, 1960, and the applicant's letter of August 5th, 1960, and Mr. Connor's letter dated August 16th, 1960.

All matters set out in the respondent's letter of August 3rd were fully raised and argued at the hearing before the Board prior to its reaching its decision in this matter. Every opportunity was afforded the parties at that time to argue such matters and make full representations thereon. In our opinion the respondent's letter of August 3rd does not contain any new representations, nor is it suggested that any new evidence or representations exist.

In view of the complex nature of the issues in this case, we have carefully reviewed the evidence.

With respect to the ground raised in paragraph (a) of the respondent's letter of August 3rd: having regard to the events which took place prior to the actual preparation of the documentary evidence filed in opposition to the application, and to the circumstances surrounding the origin, preparation and circulation of that documentary evidence, we are not prepared to hold that the document in question weakens the evidence of membership submitted by the applicant so as to make it necessary for the Board to seek the confirmatory evidence of a representation vote.

With respect to the ground raised in paragraph (b), it is sufficient to point out that there is not a tittle of evidence before the Board suggesting that any of the persons who signed application cards and paid money did so on the understanding or in the belief that their money would be returned to them under any circumstances. In other words, there is no evidence that there was a conditional payment by any employee.

With respect to the ground raised in paragraph (c) having regard to the conflicting statements made by a number of witnesses as to what was said to them, to the demeanor of some of the witnesses and, taking the evidence as a whole, we are of the opinion that the respondent has failed to establish its allegations of misrepresentation, coercion, threats or intimidation.

In conclusion, we are satisfied on all the evidence before us, that more than fifty-five per cent of the employees in the bargaining unit are members of the applicant.

Having regard to the foregoing, we see no reasons to revoke our decision of July 7th, 1960."

Board Member R.W. Teagle, said:

"After reviewing the evidence presented in this case, and especially the evidence of Clarence Dougherty, business agent of the union, that it was his custom to pay money back if certification was not obtained, and the evidence surrounding the payment of the initiation fee of \$25.00, I am still of the opinion that a vote should be ordered to determine the wishes of the employees."

SPECIAL ENDORSEMENTS IN TERMINATION APPLICATIONS DISPOSED OF
DURING AUGUST, 1960.

18,433-59: Larry Morris and Wilfred Clement (Applicant) v. The Toronto Newspaper Guild, Local 87, of the American Newspaper Guild (A.F.L.-C.I.O., C.L.C.) (Respondent). (Dismissed)

(Re: Preston & Sons, Limited,
Brantford, Ontario).

On August 17th, 1960, the Board further endorsed the Record as follows:

"At the date of the application there were fourteen persons in the bargaining unit. In support of the application there was filed a document containing the signatures of ten persons in the bargaining unit signifying they no longer wished to be represented by the respondent. No question arises as to the bona fides of this document.

At the hearing, the respondent filed six documents, one of which bore 3 signatures and the other five (hereinafter referred to as revocations), one signature each. The revocations, identically worded, state that the signatories thereto wished to revoke their signatures on the document filed by the applicants and wished the respondent to continue to represent them in their dealings with the Brantford Expositor.

In a number of instances the Board has held that revocations in writing of signatures on documents accompanying applications for termination of bargaining rights have the effect of cancelling out such signatures.

At the hearing, the two persons who witnessed, between them, the signatures on the five revocations, testified as to the manner in which the signatures were obtained. These two persons hold responsible positions in the respondent union. One of them, Ecker, testified that he had previously discussed the question of the revocations with Peter Riley, the local representative of the Toronto Newspaper Guild, and that Riley had given him a dozen mimeographed copies (unsigned) of the revocations.

The question is as to whether the Board is satisfied as to the bona fides of the revocations and as to whether they reflect the free expression of desire of those signing them. Having regard to all the evidence the Board is so satisfied and that being the case, it follows that the signatures on the document filed by the applicant of these persons who have also signed revocations must be discounted. In the result, the Board finds that not more than fifty per cent of the persons in the bargaining unit have signified in writing that they no longer wish to be represented by the respondent union and the application is therefore dismissed."

Board Member, C.C. Young dissented and said:

"I dissent. While I share the views of Board Member Irwin, expressed in the Roselawn Dairy Case, that revocations cannot have the effect of cancelling out the evidence of the applicants in cases such as this, my dissent in this case is based on my view that, in any event, the evidence of the respondent was not adequately identified as to origin. I would have required more direct evidence on this point."

1. The first part of the paper discusses the importance of the study of the history of the United States. It is argued that a knowledge of the past is essential for a full understanding of the present and for the development of a sound policy for the future.

2. The second part of the paper discusses the importance of the study of the history of the United States. It is argued that a knowledge of the past is essential for a full understanding of the present and for the development of a sound policy for the future.

3. The third part of the paper discusses the importance of the study of the history of the United States. It is argued that a knowledge of the past is essential for a full understanding of the present and for the development of a sound policy for the future.

4. The fourth part of the paper discusses the importance of the study of the history of the United States. It is argued that a knowledge of the past is essential for a full understanding of the present and for the development of a sound policy for the future.

MONTHLY REPORT



ONTARIO LABOUR RELATIONS BOARD

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MONTHLY REPORT OF THE ONTARIO LABOUR RELATIONS BOARD,

FOR THE MONTH OF SEPTEMBER, 1960

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PART ONE

STATISTICAL TABLES

- 197 -
TABLE I

APPLICATIONS FILED WITH THE ONTARIO LABOUR RELATIONS BOARD

Type of Application	Number of Applications Filed		
	<u>September</u> 1960	<u>1st 6 months of</u> 60-61	<u>fiscal year</u> 59-60
I. Certification	70	388	417
II. Declaration Terminating Bargaining Rights	5	24	45
III. Declaration of Successor Status	3	4	7
IV. Conciliation Services	74	549	640
V. Determination under Section 68 of Act	-	3	4
VI. Consent to Early Termination of Agreement	-	-	-
VII. Declaration that Strike Unlawful	-	12	17
VIII. Declaration that Lockout Unlawful	-	2	1
IX. Consent to Prosecute	9	50	61
X. Miscellaneous	-	1	-
TOTAL	<u>161</u>	<u>1033</u>	<u>1192</u>

TABLE II
HEARINGS OF THE ONTARIO LABOUR RELATIONS BOARD

	Number		
	<u>September</u> 1960	<u>1st 6 months of</u> 60-61	<u>fiscal year</u> 59-60
Hearings and continuation of Hearings by the Board	77	448	650

TABLE III

APPLICATIONS DISPOSED OF BY THE ONTARIO LABOUR RELATIONS BOARD
BY MAJOR TYPES

Type of Application	Number of	Applications Disposed of	
	<u>September</u> 1960	<u>1st 6 months of</u> 60-61	<u>fiscal year</u> 59-60
I. Certification	63	407	383
II. Declaration Terminating Bargaining Rights	8	31	45
III. Declaration of Successor Status	1	7	4
IV. Conciliation Services	84	545	665
V. Determination under Section 68 of Act	1	4	5
VI. Consent to Early Termination of Agreement	-	1	-
VII. Declaration that Strike Unlawful	4	17	19
VIII. Declaration that Lockout Unlawful	-	1	4
IX. Consent to Prosecute	9	50	67
X. Miscellaneous	-	1	1
TOTAL:	<u>170</u>	<u>1064</u>	<u>1193</u>

*This does not include cases in which the question of
successor status arises as a collateral issue.

TABLE II

APPLICATIONS DISPOSED OF BY THE ONTARIO LABOUR RELATIONS BOARD
BY TYPES AND BY DISPOSITION

Disposition	No. Appl's Disposed of			Employees*		
	Sep. 1st '60	6 mos. 60-61	fiscal yr. 59-60	Sep. 1st '60	6 mos. 60-61	fiscal yr. 59-60
<u>I. Certification</u>						
<u>Certified</u>						
CLC	30	233	221	794	6289	5545
Other	<u>6</u>	<u>39</u>	<u>41</u>	<u>150</u>	<u>1005</u>	<u>840</u>
Total	26	272	262	944	7294	6385
<u>Dismissed</u>						
CLC	14	70	73	752	2743	3994
Other	<u>1</u>	<u>18</u>	<u>13</u>	<u>6</u>	<u>727</u>	<u>664</u>
Total	15	88	86	758	3470	4658
<u>Withdrawn</u>						
CLC	11	39	25	171	702	359
Other	<u>1</u>	<u>8</u>	<u>10</u>	<u>4</u>	<u>123</u>	<u>196</u>
Total	12	47	35	175	825	553
TOTAL:	<u>63</u>	<u>407</u>	<u>383</u>	<u>1877</u>	<u>11589</u>	<u>11596</u>
Certification Applications Disposed of						

*These figures refer to the number of employees directly affected, and are based on the number of employees in the bargaining units at the time the applications for certification were filed with the Board. Totals for applications dismissed and withdrawn are approximate.

- 200 - APPLICATIONS DISPOSED OF BY BOARD
(continued)

Disposition	No. Appl'ns Disposed of			*Employees		
	Sep. 1st	6 mos. fiscal yr.		Sep. 1st	6 mos. fiscal yr.	
	'60	60-61	59-60	'60	60-61	59-60

II. Termination
Bargaining Rights

Terminated

CLC	1	12	20	12	246	696
Other	<u>2</u>	<u>4</u>	<u>3</u>	<u>65</u>	<u>121</u>	<u>29</u>
Total	3	16	23	77	367	725

Dismissed

CLC	4	9	19	314	335	588
Other	<u>-</u>	<u>1</u>	<u>2</u>	<u>-</u>	<u>17</u>	<u>11</u>
Total	4	10	21	314	352	599

Withdrawn

CLC	-	4	-	-	380	-
Other	<u>1</u>	<u>1</u>	<u>1</u>	<u>13</u>	<u>13</u>	<u>104</u>
Total	1	5	1	13	393	104

TOTAL:	<u>8</u>	<u>31</u>	<u>45</u>	<u>404</u>	<u>1112</u>	<u>1428</u>
Termination						
Applications						
Disposed of						

*These figures refer to the number of employees directly affected, and are based on the number of employees in the bargaining units at the time the applications were filed with the Board. Totals for termination applications dismissed and withdrawn are approximate.

- 201 - APPLICATIONS DISPOSED OF BY BOARD
(continued)

Disposition	Number of Applications Disposed of <u>September</u> 1960	<u>1st 6 months of fiscal year</u> 60-61	59-60
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III. Successor Status

Granted	-	5	4
Dismissed	-	1	-
Withdrawn	<u>1</u>	<u>1</u>	<u>-</u>
Total	<u>1</u>	<u>7</u>	<u>4</u>

IV. Conciliation Services*

Referred

CLC	51	419	535
Other	<u>26</u>	<u>94</u>	<u>74</u>
Total	77	513.	609

Dismissed

CLC	5	9	24
Other	<u>1</u>	<u>3</u>	<u>-</u>
Total	6	12	24

Withdrawn

CLC	1	15	30
Other	<u>-</u>	<u>5</u>	<u>2</u>
Total	1	20	32

TOTAL:	<u>84</u>	<u>545</u>	<u>665</u>
Conciliation Applications Disposed of			

*Includes applications for conciliation services re unions claiming successor status.

- 202 - APPLICATIONS DISPOSED OF BY BOARD
(continued)

Disposition	Number of applications disposed of		
	<u>September</u> 1960	<u>1st 6 months of</u> 60-61	<u>fiscal year</u> 59-60
<hr/>			
V. <u>Determination under</u> <u>Section 68</u>			
Granted	-	1	1
Dismissed	-	1	1
Withdrawn	<u>1</u>	<u>2</u>	<u>3</u>
Total	<u>1</u>	<u>4</u>	<u>5</u>
 VI. <u>Consent to Early</u> <u>Termination of</u> <u>Agreement</u>			
Granted	-	1	-
Dismissed	-	-	-
Withdrawn	<u>-</u>	<u>-</u>	<u>-</u>
Total	<u>-</u>	<u>1</u>	<u>-</u>
 VII. <u>Declaration that</u> <u>Strike Unlawful</u>			
Granted	1	2	2
Dismissed	-	1	2
Withdrawn	<u>3</u>	<u>14</u>	<u>15</u>
Total	<u>4</u>	<u>17</u>	<u>19</u>
<hr/>			

-203 - APPLICATIONS DISPOSED OF BY
BOARD (continued)

Disposition	Number of Applications Disposed of		
	<u>September</u> 1960	<u>1st 6 months of</u> 60-61	<u>fiscal year</u> 59-60

VIII. Declaration that
Lockout Unlawful

Granted	-	1	1
Dismissed	-	-	-
Withdrawn	<u>-</u>	<u>-</u>	<u>3</u>
Total	<u>-</u>	<u>1</u>	<u>4</u>

IX. Consent to
Prosecute

Granted	1	14	22
Dismissed	-	2	6
Withdrawn	<u>8</u>	<u>34</u>	<u>39</u>
Total	<u>9</u>	<u>50</u>	<u>67</u>

X. Miscellaneous*

Granted	-	1	-
Dismissed	-	-	1
Withdrawn	<u>-</u>	<u>-</u>	<u>-</u>
Total	<u>-</u>	<u>1</u>	<u>1</u>

*See Case Listings for details.

TABLE v

REPRESENTATION VOTES IN CERTIFICATION APPLICATIONS DISPOSED OF
BY THE BOARD

Disposition	Number of Applications Disposed of		
	September 1960	1st 6 months of fiscal year 60-61	59-60
(1)			
<u>Certification After Vote</u>			
<u>Ballot Choice</u>			
Yes-No	3	18	14
Choice between 2 Unions	1	9	13
Other	-	-	-
<u>Total Certified:</u>	4	27	27
 <u>Dismissed After Vote</u>			
<u>Ballot Choice</u>			
Yes-No	9	35	32
Choice between 2 Unions	1	7	7
Other	-	-	-
<u>Total Dismissed</u>	<u>10</u>	<u>42</u>	<u>39</u>
 GRAND TOTAL:	 <u>14</u>	 <u>69</u>	 <u>66</u>
Certification Appl'ns Disposed of after vote			

(1) See Explanatory Notes, April 1960 Report, Page 3

TABLE VI

REPRESENTATION VOTES IN TERMINATION APPLICATIONS DISPOSED OF
BY THE BOARD

Disposition	Number of Applications Disposed of		
	September 1960	1st 6 months of 60-61	fiscal year 59-60
<u>Respondent Union Successful*</u>			
CLC	1	2	3
Other	<u>2</u>	<u>3</u>	<u>-</u>
Total	3	5	3
<u>Respondent Union Unsuccessful</u>			
CLC	1	5	16
Other	<u>-</u>	<u>3</u>	<u>3</u>
Total	1	8	19
GRAND TOTAL:	<u>4</u>	<u>13</u>	<u>22</u>
Termination Appl'ns Disposed of after vote			

*In termination proceedings where a vote is taken, the applicant is a group of employees, or the employer; the incumbent union is thus the respondent.

PART TWO

CASE LISTINGS

APPLICATIONS DISPOSED OF BY THE ONTARIO LABOUR RELATIONS

BOARD DURING SEPTEMBER, 1960

Bargaining Agents Certified During September

No Vote Conducted

20,251-60: District 50, United Mine Workers of America (Applicant) v. Miracle Products Company Limited (Rexdale) (Respondent).

Unit: "all employees of the respondent at its plant at Rexdale, save and except supervisors, persons above the rank of supervisor, office and sales staff and students hired for the school vacation period." (28 employees in the unit).

The Board endorsed the Record as follows:

"For the purposes of clarity the Board declares that the school teacher in the employ of the respondent for the school vacation period is excluded from the bargaining unit."

20,334-60: United Brotherhood of Carpenters and Joiners of America, Local #2486 (Applicant) v. Kahkonen Construction Limited (Sudbury area) (Respondent).

Unit: "all carpenters and carpenters' apprentices in the employ of the respondent at the operations of the International Nickel Company of Canada Limited in the Sudbury area, save and except non-working foremen and persons above the rank of non-working foreman." (5 employees in the unit).

(Bargaining unit determined having regard to the special circumstances of the case).

20,361-60: The Lumber and Sawmill Workers' Union, Local 2995 of the United Brotherhood of Carpenters and Joiners of America A.F.L. - C.I.O. (Applicant) v. Henry Selin Forest Products Limited (at its sawmill in Nassau Township and planing mill at Hearst) (Respondent).

Unit: "all employees of the respondent at its sawmill in Nassau Township and persons engaged in servicing its planing mill at Hearst, its sawmill in Nassau Township, and its cutting operations, save and except foremen, persons above the rank of foreman, office staff and guards." (102 employees in the unit).

20,362-60: The Lumber and Sawmill Workers' Union, Local 2995 of the United Brotherhood of Carpenters and Joiners of America, A.F.L. - C.I.O. (Applicant) v. Henry Selin Forest Products Limited (in the Townships of Nassau, Dowsely, Langmark and Storey) (Respondent).

Unit: "all employees of the respondent in its woods operations in the Townships of Nassau, Dowsely, Langmark and Storey, save and except foremen, persons above the rank of foreman, office staff, scalers and tallymen." (122 employees in the unit).

20,372-60: Teamsters, Chauffeurs, Warehousemen and Helpers, Local Union 880, International affiliated with Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America (Applicant) v. Quinn Lumber & Builders Supply Co. Limited (London) (Respondent).

Unit: "all employees of the respondent at London, save and except foremen, persons above the rank of foreman, and office and sales staff." (10 employees in the unit).

20,373-60: United Brotherhood of Carpenters & Joiners of America, Local 2307 (Applicant) v. Angus L. MacDonald Construction Limited (Cornwall) (Respondent).

Unit: "all carpenters and carpenters' apprentices of the respondent employed at and working out of Cornwall, save and except non-working foremen and persons above the rank of non-working foreman." (13 employees in the unit).

20,382-60: United Brotherhood of Carpenters and Joiners of America, Local Union 2377 (Applicant) v. Len Ariss and Company Limited (on its Ontario Training School for Girls Project near Lindsay) (Respondent).

Unit: "all carpenters and carpenters' apprentices in the employ of the respondent on its Ontario Training School for Girls Project near Lindsay, save and except non-working foremen and persons above the rank of non-working foreman." (5 employees in the unit).

20,384-60: Christian Trade Unions of Canada (Applicant) v. Eaglewood Construction Co Ltd. (Hamilton) (Respondent).

Unit: "all employees of the respondent employed at and working out of Hamilton, save and except foremen, persons above the rank of foreman, and office staff." (2 employees in the unit).

20,392-60: Printing Specialties & Paper Products Union Local 466, (Applicant) v. H. Harding & Son Limited (Metropolitan Toronto) (Respondent).

Unit: "all employees of the respondent at Metropolitan Toronto, save and except foremen, persons above the rank of foreman, and office and sales staff."
(33 employees in the unit).

20,393-60: United Brotherhood of Carpenters & Joiners of America, (Applicant) v. Guy Violino Construction Limited (Bertie Township) (Respondent).

Unit: "all carpenters and carpenters' apprentices of the respondent employed at and working out of Bertie Township, save and except non working foremen, and persons above the rank of non-working foreman." (7 employees in the unit).

20,401-60: Teamsters, Chauffeurs, Warehousemen and Helpers, Local Union 880, affiliated with International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America (Applicant) v. Essex Farmers Limited (Essex) (Respondent).

Unit: "all employees of the respondent in its gasoline and oil sales division at Essex, save and except foremen, persons above the rank of foreman, buyers and office staff."
(10 employees in the unit).

The Board endorsed the Record as follows:

"For the purposes of clarity the Board declares that the persons designated as salesmen by the respondent, are included in the bargaining unit."

20,409 60: Upholsterers' International Union of North America through its Agent Local 602 (Applicant) v. The Goldsmiths' Company of Canada Limited (Toronto) (Respondent).

Unit: "all employees of the respondent at its Arris Division plant at Toronto, save and except foremen, foreladies, persons above the rank of foreman or forelady, and office staff." (11 employees in the unit).

20,410 60: International Union, United Automobile Aircraft and Agricultural Implement Workers of America (UAW), (Applicant) v. Aimco Automotive Parts Company (Toronto) (Respondent).

Unit: "all employees of the respondent at Toronto, save and except assistant foremen, persons above the rank of assistant foreman, and office and sales staff."
(43 employees in the unit).
(Unit agreed to by the parties).

20,416-60: United Brotherhood of Carpenters and Joiners of America, Local Union 1758 (Applicant) v. Finley W. McLachlan Contracting (Toronto) Limited (on the Ontario Department of Highways Contract #60-157) (Respondent).

Unit: "all carpenters and carpenters' apprentices in the employ of the respondent on the Ontario Department of Highways Contract #60-157, save and except non-working foremen, and persons above the rank of non-working foreman."
(2 employees in the unit).

20,418-60: United Brotherhood of Carpenters and Joiners of America, Local Union 1758 (Applicant) v. Pentagon Construction (1959) Company Limited (Township of Augusta) (Respondent).

Unit: "all carpenters and carpenters' apprentices of the respondent employed at its Brockville Chemical Limited project in the Township of Augusta, save and except non-working foremen, and persons above the rank of non-working foreman." (8 employees in the unit).

20,419-60: United Brotherhood of Carpenters and Joiners of America, Local Union 1758 (Applicant) v. Keystone Contractors Limited (Townships of Edwardsburg and Augusta) (Respondent).

Unit: "all carpenters and carpenters' apprentices in the employ of the respondent in the Townships of Edwardsburg and Augusta, save and except non-working foremen and persons above the rank of non-working foreman." (9 employees in the unit).

20,421-60: Printing Specialties & Paper Products Union, Local 466 (Applicant) v. Continental Can Company of Canada Limited (at its plant #128 at Metropolitan Toronto) (Respondent).

Unit: "all employees of the respondent at its plant #128 at Metropolitan Toronto, save and except assistant foremen, persons above the rank of assistant foreman, office and clerical staff, guards, watchmen, cafeteria employees and sales staff." (4 employees in the unit).

20,429-60: United Brotherhood of Carpenters and Joiners of America, Local Union 1304 (Applicant) v. Welcon Limited (Orillia) (Respondent).

Unit: "all carpenters and carpenters' apprentices in the employ of the respondent on its Orillia Water, Light and Power Commission Building Project at Coldwater Street, Orillia, save and except non-working foremen and persons above the rank of non-working foremen."
(6 employees in the unit).

20,439-60: International Brotherhood of Bookbinders Local #186 (Applicant) v. The Copp Clark Publishing Co. Limited. (Toronto) (Respondent).

Unit: "all employees of the respondent at Toronto, save and except foremen, persons above the rank of foreman, office and sales staff, persons regularly employed for not more than 24 hours per week, persons hired on a temporary basis for rush periods, production employees in the games, seals, tags and greeting card division, electricians, carpenters, painters and machinists, and those covered by subsisting collective agreements between the respondent and Local 28, International Brotherhood of Bookbinders; Local 10, Printing Pressmen and Assistants Union; Local 91, International Typographical Union; and Local 12 Amalgamated Lithographers of America."
(31 employees in the unit),
(Unit agreed to by the parties).

20,456-60: Lumber and Sawmill Workers' Union, Local 2995 of the United Brotherhood of Carpenters & Joiners of America, A.F.L.-C.I.O. (Applicant) v. H.S. Rodgers Lumber Co. Ltd. (Township of Dunmore) (Respondent).

Unit: "all employees of the respondent in its bush operations in the Township of Dunmore and in the townships immediately adjacent thereto, save and except foremen, persons above the rank of foreman, scalers and tallymen."
(18 employees in the unit).

20,459-60: United Steelworkers of America (Applicant) v. Wright Assemblies Limited (Strathroy) (Respondent).

Unit: "all employees of the respondent at Strathroy, save and except foremen, persons above the rank of foreman and office staff." (27 employees in the unit).

20,471-60: Milk Drivers and Dairy Employees Union Local 647 (Applicant) v. Christie's Bread Limited (at Barrie, Orillia, Owen Sound, Midland and Parry Sound) (Respondent).

Unit: "all driver-salesmen of the respondent at Barrie, Orillia, Owen Sound, Midland and Parry Sound, save and except supervisors and persons above the rank of supervisor."
(9 employees in the unit).

20.472-60: Canadian Brotherhood of Railway, Transport and General Workers (Applicant) v. Sarnia Transit Company Limited (Sarnia) (Respondent) v. Amalgamated Association of Street Electric Railway and Motor Coach Employees of America, AFL CIO-CLC (Intervener).

The Board endorsed the record in part as follows:

"The request of the intervener for an adjournment was denied orally at the hearing in accordance with the Board's usual practice."

Unit: "all employees of the respondent at Sarnia, save and except foremen, persons above the rank of foreman, dispatchers, inspectors, office staff and persons regularly employed for not more than 24 hours per week." (28 employees in the unit).

20.473-60: United Brick & Clay Workers of America (Applicant) v. Booth-Yeats Limited (Weston plant) (Respondent).

Unit: "all employees of the respondent at its Weston plant, save and except foremen, persons above the rank of foreman, and office staff." (34 employees in the unit).

20.474-60: Retail, Wholesale and Department Store Union, AFL:CIO:CLC (Applicant) v. C. Fasano Food Market (Cochrane) (Respondent).

Unit: "all employees of the respondent at Cochrane, save and except store manager, persons above the rank of store manager, office staff and persons regularly employed for not more than 24 hours per week." (6 employees in the unit).

20.475-60: Retail, Wholesale and Department Store Union, AFL:CIO:CLC (Applicant) v. Cochrane Bottling Works (Cochrane) (Respondent).

Unit: "all employees of the bottling works of the respondent at Cochrane, save and except foremen, persons above the rank of foreman, office staff and persons regularly employed for not more than 24 hours per week." (5 employees in the unit).

20.480-60: National Union of Public Employees (Applicant) v. Milton District Hospital (Trafalgar Township) (Respondent).

Unit: "all employees of the respondent at its hospital in Trafalgar Township, save and except professional medical staff, graduate nursing staff, undergraduate nurses, graduate pharmacists, undergraduate pharmacists, graduate dietitians, student dietitians, technical personnel, supervisors, persons above the rank of supervisor, chief engineer, office staff and persons regularly employed for not more than 24 hours per week." (30 employees in the unit).

The Board endorsed the Record as follows:

"For the purposes of clarity the Board declares that the term technical personnel comprises physiotherapists, occupational therapists, psychologists, electro-encephalographists, electric shock therapists, laboratory, radiological, pathological and cardiological technicians.

The Board further declares that certified nursing assistants are included in the bargaining unit."

20,489-60: Textile Workers' Union of America, CLC, AFL-CIO (Applicant) v. Holdroyd Yarns Ltd. (Toronto) (Respondent).

Unit: "all employees of the respondent at Toronto, save and except foremen, persons above the rank of foreman, office staff and persons regularly employed for not more than 24 hours per week." (39 employees in the unit).

20,496-60: United Brotherhood of Carpenters and Joiners of America Local Union 93 (Applicant) v. Rayner Construction Limited (on its Queensway Project at Ottawa) (Respondent).

Unit: "all carpenters and carpenters' apprentices in the employ of the respondent on its Queensway Project at Ottawa, save and except non-working foremen and persons above the rank of non-working foreman." (4 employees in the unit).

20,498-60: Local 280 of the Hotel & Restaurant Employees & Bartenders' International Union (Applicant) v. M. & J. Onazuk carrying on business as The Drake Hotel (Toronto) (Respondent).

Unit: "all tapmen, bartenders, beverage waiters, bar boys and improvers in the employ of the respondent at the Drake Hotel, Toronto, save and except manager, persons above the rank of manager and persons regularly employed for not more than 24 hours per week." (15 employees in the unit).

20,499-60: Canadian Office Employees Union No. 159, National Council of Canadian Labour (Applicant) v. The National Cash Register Company of Canada, Limited (at its Lansdowne and Campbell Avenue Plants at Toronto) (Respondent).

Unit: "all office and clerical employees of the respondent at its Lansdowne and Campbell Avenue Plants at Toronto, save and except supervisors, persons above the rank of supervisor; and one confidential secretary to each of the following: president, comptroller, vice-president and factory manager, industrial relations officer, and assistant factory manager; and employees bound by a subsisting collective agreement between the respondent and Canadian Business Machine Workers Union." (79 employees in the unit).

20,506-60: International Union, United Automobile, Aircraft and Agricultural Implement Workers of America (UAW) (Applicant) v. Maremont-Acme Limited (Metropolitan Toronto) (Respondent).

Unit: "all employees of the respondent at Metropolitan Toronto, save and except foremen, persons above the rank of foreman and office staff." (15 employees in the unit).

Certified Subsequent to Vote

20,083-60: United Packinghouse Workers of America A.F.L.-C.I.O.-C.L.C. (Applicant) v. Canada Packers Limited (Harris Road Steam Plant, Hunnisett Plant Engine Room, Harris Plant Engine Room, Gunn's Plant Engine Room, Paton Road Plant Engine and Boiler Room, Public Cold Storage Plant Engine and Boiler Room and Federal Cold Storage Plant Engine and Boiler Room, Toronto Departments) (Respondent).

Unit: "all stationary engineers employed as such and their helpers in the employ of the respondent below the rank of assistant engineer-in-charge in each of the Toronto Departments of the company listed hereunder: Harris Road Steam Plant, Hunnisett Plant Engine Room, Harris Plant Engine Room, Gunn's Plant Engine Room, Paton Road Plant Engine and Boiler Room, Public Cold Storage Plant Engine and Boiler Room and Federal Cold Storage Plant Engine and Boiler Room." (63 employees in the unit).

Number of names on revised eligibility list		60
Number of ballots cast	57	
Number of ballots marked in favour of applicant	37	
Number of ballots marked in favour of intervener	20	

20.119-60: Retail, Wholesale and Department Store Union,
AFL:CIO:CLC (Applicant) v. Mercier and Shirley Limited
(Cochrane) (Respondent).

Unit: "all employees of the respondent at Cochrane, save and except foremen, persons above the rank of foreman, and office and sales staff." (10 employees in the unit).
(Unit agreed to by the parties).

Number of names on revised eligibility list		7
Number of ballots cast	7	
Number of ballots marked in favour of applicant	4	
Number of ballots marked as opposed to applicant	3	

20.252-60: Sheet Metal Workers' International Association
Local Union 392 Peterborough, Ontario (Applicant) v. Trent
Metals Limited (Peterborough) (Respondent).

Unit: "all employees of the respondent at Peterborough, save and except foremen, persons above the rank of foreman and office staff." (6 employees in the unit).

Number of names on eligibility list		5
Number of ballots cast	5	
Number of ballots marked in favour of applicant	5	
Number of ballots marked as opposed to applicant	0	

20.315-60: International Brotherhood of Bookbinders, Local
#186 (Applicant) v. Automatic Paper Box Company Limited
(Toronto) (Respondent).

Unit: "all employees of the respondent at Toronto, save and except foremen, persons above the rank of foreman, office staff and persons regularly employed for not more than 24 hours per week." (93 employees in the unit).

Number of names on revised eligibility list		87
Number of ballots cast	87	
Number of ballots marked in favour of applicant	69	
Number of ballots marked as opposed to applicant	18	

APPLICATIONS FOR CERTIFICATION DISMISSED DURING SEPTEMBER 1960

No Vote Conducted

19,911-59: United Brotherhood of Carpenters and Joiners of America, Local Union 1669 (Applicant) v. Mining and structural Products Co. (Pantan Mines property at/or near Dymont). (Respondent). (10 employees).

The Board endorsed the Record as follows:

"As the respondent no longer has any employees in the bargaining unit, the union has requested leave of the Board to withdraw its application. The Board denies the applicant's request for leave to withdraw and following its usual practice in such cases dismisses the application."

20,304-60: The Lumber and Sawmill Workers' Union, Local 2995 of the United Brotherhood of Carpenters and Joiners of America A.F.L. C.I.O. (Applicant) v. Henry Selin Forest Products Limited (bush and sawmill operations, Hearst) (Respondent). (95 employees).

20,342-60: United Steelworkers of America (Applicant) v. E.J. Wright Central Limited (Strathroy Plant) (Respondent). (2 employees).

The Board endorsed the Record as follows:

"As the applicant has submitted no evidence of membership for employees of the respondent this application is dismissed."

20,375-60: The Lumber and Sawmill Workers' Union, Local 2995 of the United Brotherhood of Carpenters & Joiners of America A.F.L.-C.I.O. (Applicant) v. Haileybury Lumber Co. Ltd. (Bush Operations (camps), District of Timiskaming) (Respondent). (16 employees).

The Board endorsed the Record as follows:

"On the evidence presented to the Board at the hearing, the Board finds that, at the time of the filing of the application in the instant case, the respondent had no employees in the bargaining unit proposed by the applicant other than four persons whom the respondent had designated as foremen.

Even if we assume ~~for~~ present purposes that those four persons were, at the time of the filing of the application, employees in the bargaining unit, the applicant has less than forty-five per cent of the employees in the bargaining unit as members. The application is accordingly dismissed.

This decision is without prejudice to such bargaining rights, if any, as the applicant may have by reason of this Board's decision of July 30, 1957, when the Board issued a certificate to the applicant herein with respect to certain employees of the respondent in its bush operations in the Township of Nordica."

20,367-60: The Lumber and Sawmill Workers' Union, Local 2995 of the United Brotherhood of Carpenters & Joiners of America - A.F.L.-C.I.O., (Applicant) v. Gordon Emms (Bush Operations, District of Timiskaming) (Respondent).

The Board endorsed the Record as follows:

"The Board finds that the respondent was an employee of Haileybury Lumber Company Limited at the time of the filing of this application and was not an employer."

Applications for Certification Dismissed Subsequent to Vote

18,875-59: General Workers' Local 800 International Union of United Brewery, Flour, Cereal, Soft Drink and Distillery Workers of America (Applicant) v. Canada Dry Bottling Company (Windsor) Limited (Windsor) (Respondent).

Unit: "all employees of the respondent at Windsor, save and except foremen, route supervisors, persons above the rank of foreman or route supervisor, office staff and salesmen other than driver salesmen." (19 employees in the unit).

On May 13th, 1960 the Board endorsed the Record as follows:

"In view of the manner in which the respondent had conducted itself earlier, we wish to make it clear that we intend to subject to the most searching scrutiny everything that the respondent or anyone associated with it may do, between the date of this decision and the date that the vote is taken, which may even in

the slightest degree have the effect of influencing the employees in the free expression of their desires. Anything untoward will be dealt with as the circumstances require."

Board Member E. Boyer dissented and said:

"I dissent. I would have certified without a vote. In my opinion the evidence of the spokesman for the objectors was at its best contradictory and on the basis of his testimony I am unable to say that any doubt has been cast on the evidence of membership submitted by the applicant."

On August 2nd, 1960 The Board further endorsed the Record as follows:

"In the opinion of the Board the activities of the respondent and, in particular, its sales manager, prior to the taking of the representation vote on June 9th, were 'coercive in nature' within the meaning of those words as set out in the decision of this Board in Stauffer-Dobbie Manufacturing Co. Ltd., C.C.H. Canadian Labour Law Reporter, Transfer Binder (1954-1959),

¶16,142 and a new representation vote will be held. Those eligible to vote are all employees of the respondent in the bargaining unit as set out by the Board in its decision dated May 13, 1960, on the date hereof who do not voluntarily terminate their employment or are not discharged for cause between the date hereof and the time the vote is taken will be eligible to vote.

While, in all the circumstances of this case, the Board is not unsympathetic to the request of the applicant that it certify the applicant outright, the Board is of the opinion that it cannot do so at this stage of the proceedings. To do this, the Board would be called upon to revoke its original decision on the basis of events which transpired subsequently to the making of that order. If the Board were so to act it would jeopardize the stability and finality of all its orders and decisions. We hasten to add, however, that we are not dealing here with a case of fraud or with evidence which was in existence prior to the making of the first order but was not known to or reasonably ascertainable by the applicant.

In view of the Board's direction to the respondent in its original order, and to the activities of the sales manager for whom, of course the respondent must accept responsibility, the respondent and those associated with it in any way in a management capacity, whether as an agent or otherwise, are hereby directed to refrain from all electioneering and propaganda from the date of this order until the taking of the new vote.

Copies of this order are to be posted on the respondent's premises, along with the notices of the taking of the vote and are to remain posted until after the completion of the balloting."

Board Member E. Boyer said:

"While I agree with the finding of the majority of the Board that the activities of the respondent and, in particular, its sales manager, prior to the taking of the representation vote on June 9th, were 'coercive in nature', I dissent from their decision directing that a new representation vote be held in this matter. In my opinion the conduct of the respondent which the majority of the Board referred to in its decision of May 13th, together with its conduct prior to the taking of the representation vote, influenced the employees to an extent that their true wishes were not likely to be disclosed by that vote. Similarly, in my opinion, the true wishes of the employees are not likely to be disclosed by a new representation vote. I would, therefore, certify without a vote as I would have done in the first instance."

Number of names on revised		
eligibility list		23
Number of ballots cast	23	
Number of ballots marked in		
favour of applicant	0	
Number of ballots marked as		
opposed to applicant	23	

18,985-59: United Brotherhood of Carpenters & Joiners of America, Lumber & Sawmill Workers Union, Local 2693 (Applicant) v. Jim Mathieu Lumber Limited (woods, yard, and sawmill operations in the Rae Lake area described in Permit #D641, Seine River area described in Permit #D1484, (Respondent).

Unit: "all employees of the respondent in its woods, yard, and sawmill operations in the Rae Lake area described in Permit #D641, and in the Seine River area described in Permit #D1484, and in the Quetico Park area described in Permits #D1509 and D1848, save and except foremen, persons above the rank of foreman, office and sales staff, retail store employees, scalers and tallymen persons regularly employed for not more than 24 hours per week and students hired for the school vacation period."
(125 employees in the unit).

Number of names on revised eligibility list		77
Number of ballots cast	77	
Number of ballots segregated (not counted)	3	
Number of ballots marked in favour of applicant	35	
Number of ballots marked as opposed to applicant	39	

19,045-59: The United Brotherhood of Carpenters & Joiners of America, Local Union 1669 (Applicant) v. Denis Charbonneau, General Contractor (Hearst, Kapuskasing and Cochrane) (Respondent).

Unit: "all carpenters and carpenters' apprentices of the respondent employed at and working out of Hearst, Kapuskasing and Cochrane, save and except non-working foremen and persons above the rank of non-working foreman."
(8 employees in the unit).

Unit agreed to by the parties).

Number of names on revised eligibility list		7
Number of ballots cast	7	
Number of ballots marked in favour of applicant	0	
Number of ballots marked as opposed to applicant	7	

19,346-59: International Union, United Automobile, Aircraft and Agricultural Implement Workers of America (U.A.W.) (Applicant) v. Ladish Co. of Canada Ltd. (office and clerical employees) (Brantford). (Respondent).

Unit: "all office and clerical employees of the respondent at Brantford, save and except supervisors, persons above the rank of supervisor, time study men and one confidential secretary to each of the following: resident manager, general sales manager, division sales manager and personnel manager." (39 employees in the unit).

The Board endorsed the Record in part as follows:

"For the purposes of clarity the Board declares that the exclusion of time study men from the bargaining unit is based on the agreement of the parties "

"For the further purposes of clarity the Board declares that R. Shellington, assistant accountant, is excluded from the bargaining unit on the ground that he exercises managerial functions."

Number of names on revised eligibility list		40
Number of ballots cast	40	
Number of ballots marked in favour of applicant	7	
Number of ballots marked as opposed to applicant	33	

19.554-60: Oil, Chemical and Atomic Workers International Union (Applicant) v. Cabot Carbon of Canada, Limited (Sarnia) (Respondent) v. International Union of Operating Engineers, Local Union No. 944 (Intervener).

Unit: "all employees of the respondent at Sarnia, save and except foremen and supervisors, persons above the rank of foreman or supervisor, office staff, students hired for the school vacation period and stationary engineers employed in the boiler and compressor room." (67 employees in the unit).

A vote was conducted on May 13th, 1960, but in view of the objections of the applicant, on June 17th, 1960, the Board further endorsed the Record as follows:

"On agreement of the parties, the Board directs that a new representation vote be taken of the employees of the respondent in the bargaining unit defined by it in its decision of April 13, 1960, as soon after the Board's finding is issued with respect to the status of David Herdman in the matter of International Union of Operating Engineers, Local Union No. 944, AFL-CIO, and Cabot Carbon of Canada Ltd., as the necessary arrangements therefor can be made.

Immediately following the issuance by the Board of its decision with respect to David Herdman as referred to above, the necessary directions for the taking of the vote will be given and the matter referred to the Registrar."

Number of names on revised eligibility list		62
Number of ballots cast		62
Number of ballots marked in favour of applicant	30	
Number of ballots marked as opposed to applicant	32	

19.602-60: Bakery & Confectionery Workers International Union of America, Local 441, Kitchener, Ont. (Applicant) v. The Dare Company Limited (Kitchener) (Respondent). v. Dare's Employees' Association. (Intervener).

Unit: "all employees of the respondent at Kitchener, save and except foremen, ofreladies, persons above the rank of foreman or forelady, office staff and salesmen."
(218 employees in the unit).

A representation vote was held in this matter and objection was taken to the vote. In directing that a new vote be taken, the Board said in part as follows:

"Having regard to all the evidence, the Board is satisfied that one Sue Meinzinger, a stewardess for the intervener, spoke to employees in the bargaining unit on the day of the vote with a view to persuading them to vote for the intervener. Accordingly, the Board finds that propagandizing and electioneering took place on behalf of the intervener during the time when, by the Registrar's direction of May 26th, 1960, the parties were required to refrain and desist from such propagandizing and electioneering. The Board, therefore, directs that the representation vote held on June 2nd, 1960, be set aside and a new representation vote be taken."

Number of names on revised eligibility list		217
Number of ballots cast		217
Number of ballots spoiled	1	
Number of ballots marked in favour of applicant	93	
Number of ballots marked in favour of intervener	121	

19.847-60: International Union, United Automobile, Aircraft and Agricultural Implement Workers of America (UAW) (Applicant) v. Canadian Blue Bird Coach Ltd. (Brantford) (Respondent).

Unit: "all employees of the respondent at Brantford, save and except foremen, persons above the rank of foreman and office staff, and students hired for the school vacation period." (44 employees in the unit).

On August 11th, 1960, the Board endorsed the Record in part as follows:

"Consistent with the Board's policy in such matters it will not change the description of the bargaining unit with respect to temporary employees."

Number of names on revised eligibility list		37
Number of ballots cast	37	
Number of spoiled ballots	1	
Number of ballots marked in favour of applicant	14	
Number of ballots marked as opposed to applicant	22	

20,078-60: General Truck Drivers' Union, Local 938, affiliated with the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America (Applicant) v. Clarke Transport Limited (Orillia) (Respondent).

Unit: "all employees of the respondent employed at and working out of Orillia, save and except foremen, persons above the rank of foreman and office staff." (6 employees in the unit).

Number of names on eligibility list		6
Number of ballots cast	6	
Number of ballots marked in favour of applicant	0	
Number of ballots marked as opposed to applicant	6	

20,165-60: The Lumber & Sawmill Workers' Union, Local 2995 of the United Brotherhood of Carpenters and Joiners of America, A.F.L.-C.I.O. (Applicant) v. Laurent Gagne, Pulpwood Contractor (bush operations, Township of Storey, District of Cochrane and townships immediately adjacent thereto) (Respondent).

The Board endorsed the Record in part as follows:

"Having regard to the reasons to be given in the Norman Girard Case, (Labour Relations Board File No. 20150 60) the Board finds that in the circumstances of this case the evidence of

membership filed by the applicant satisfies the Board' requirements in regard to proof of membership."

Unit: "all employees of the respondent in its bush operations in the Township of Storey in the District of Cochrane and in the townships immediately adjacent thereto, save and except foremen, persons above the rank of foreman, office staff, scalers and tallymen." (75 employees in the unit).

Number of names on revised eligibility list		34
Number of ballots cast	34	
Number of spoiled ballots	1	
Number of ballots marked in favour of applicant	0	
Number of ballots marked as opposed to applicant	33	

20,216-60: United Steelworkers of America (Applicant) v. S. Greening Wire Company Limited (Midland Plant) (Respondent) v. Greening Employees' Association Midland Division. (Intervener).

Unit: "all employees of the respondent at its plant at Midland, save and except foremen, persons above the rank of foreman, and office staff." (33 employees in the unit).

The Board endorsed the Record in part as follows:

"After carefully scrutinizing all the evidence and giving due consideration to the demeanour of Mr. Kirkwood in the witness box and his manner in answering questions, and in the absence of any evidence in contradiction thereof, we are not prepared to hold that the inconsistencies in his evidence destroy his credibility to the extent that his evidence should be rejected. Moreover, we are not satisfied that such inconsistencies do not result from some misunderstanding on the part of the witness of the specific meaning of some of the questions put to him at the hearing.

As we did not observe the incident at the hearing to which Board Member Boyer refers, we are not in a position to attach any significance to it.

We find that the evidence adduced in opposition to the application by Mr. Kirkwood creates such a doubt in our minds as to the true wishes of the employees that we are compelled to seek the confirmatory evidence of a representation vote.

Board Member C.C. Young, in a concurring decision said:

"I concur in the decision of the majority. At an early stage of the hearing in this case, when a procedural point was being argued, and before any evidence had been given, I did observe what I believe to be the incident referred by Board Member Boyer. At that time I did not interpret the motions of Mr. Rutherford to be signals directed to Mr. Kirkwood, and in the light of the evidence given by Mr. Kirkwood and his demeanour in the witness box, I would give weight to the petitions in this case.

Board Member E. Boyer dissented and said:

"I dissent for the reasons given by Board Member G. Russell Harvey. In addition, I would attach no weight to the evidence of Kirkwood, the representative of the employees who opposed the certification of the applicant, on the further ground that, during the course of his reply to a question from the Board, he changed that reply upon observing a motion by, or receiving a signal from, Rutherford, the plant personnel manager of the respondent company."

I observed this conduct by Rutherford and, in my opinion, it leads to the conclusion, arrived at by Board Member Harvey, that some understanding had been reached between the management of the respondent company and the Employees' Association of which Kirkwood is the President."

Board Member G.R. Harvey dissented and said:

"I dissent. The evidence of the objectors' representative changed in the course of examination on material points. His inability or unwillingness to recall the contents of a letter written by him and presented to management is difficult to understand. Employees rarely have the opportunity to so address the manager on such an important point and such an event would surely have careful study and would be remembered.

The evidence leads me to believe some understanding was reached between the objectors' representative, who was also president of the newly formed employees' association, and management,

whereby recognition for bargaining purposes would be granted if the applicant union failed to secure certification.

The objectors' representative testified that, although president of the association, he did not know who told employees to approach him to sign letters of objection.

In all the circumstances of this case I would not attach weight to the evidence of objectors and would certify the applicant union."

Number of names on eligibility list		36
Number of ballots cast	36	
Number of ballots marked in favour of applicant	15	
Number of ballots marked as opposed to applicant	21	

19,603-60: United Brotherhood of Carpenters & Joiners of America, Local 249, Kingston, Ontario (Applicant) v. Konvey Construction Company Limited (Kingston) (Respondent).

Unit: "all carpenters and carpenters' apprentices in the employ of the respondent on the C.M.H.C. Housing Project, Rideau Heights, at Kingston, save and except non-working foremen and persons above the rank of non-working foremen and persons above the rank of non-working foreman."
(10 employees in the unit).

19,900-60: International Hod Carriers' Building and Common Labourers' Union of America, Local Union #1001 (Applicant) v. Dunker Construction Ltd. (City of Kitchener and Counties of Waterloo and Wellington) (Respondent). (14 employees).

19,901-60: International Hod Carriers' Building and Common Labourers' Union of America, Local Union #1081, (Applicant) v. Wilcon Ltd. (City of Guelph and County of Wellington) (Respondent). (13 employees).

20,395-60: International Union of Operating Engineers Local 796, (Applicant) v. Consolidated Building Maintenance Limited (working at The O'Keefe Centre Toronto) (Respondent). (4 employees).

20,402-60: The Sheet Metal Workers' International Association Local Union #285 (Applicant) v. Principal Heating Company Limited (Respondent). (33 employees).

20.417-60: United Brotherhood of Carpenters and Joiners of America, Local Union 1758 (Applicant) v. Robert D. Mackey Construction Company Limited (Brockville) (Respondent). (18 employees).

20.422-60: Local #303 International Brotherhood of Electrical Workers C.L.C. (Applicant) v. General Sound & Theatre Equipment Limited (Province of Ontario) (Respondent) v. Toronto Motion Picture Projectionists Union, Local 173 (Intervener). (9 employees).

20.457-60: Lumber and Sawmill Workers' Union, Local 2995 of the United Brotherhood of Carpenters & Joiners of America, A.F.L.-C.I.O. (Applicant) v. Stan Reneaud, Contractor. (Township of Dunmore and in the townships immediately adjacent thereto) (Respondent). (19 employees).

The Board endorsed the Record as follows:

"For the reasons given at the hearing
application withdrawn by leave of the Board."

20.476-60: The United Association Of Journeymen and Apprentices Of The Plumbing And Pipefitting Industry Of The United States And Canada. Niagara District Council No 40. Composed of Local Unions Nos. 244. 595 784 (Applicant) v. Pyramid Pipeing Company (Chippawa) (Respondent). (6 employees).

20.503-60: The United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada (Applicant) v. Pyramid Piping Company 706 Main Street Chippawa Ontario (Respondent). (6 employees).

20.513-60: United Brotherhood of Carpenters and Joiners of America, (Applicant) v. Cumber-Yonge Investments Limited. (Toronto and within a radius of 25 miles from the City Hall, and in the town of Newmarket). (Respondent). (38 employees).

20.514-60: United Brotherhood of Carpenters and Joiners of America (Applicant) v. Silverman and Silverberg (Toronto) and within a radius of 25 miles from the City Hall, and in the town of Newmarket) (Respondent).

APPLICATIONS FOR DECLARATION TERMINATING BARGAINING RIGHTS
DISPOSED OF DURING SEPTEMBER, 1960

18.616-59: Laurent Leclerc (Applicant) v. Lumber & Sawmill Workers' Union, Local 2537 of the United Brotherhood of Carpenters and Joiners of America (Respondent). (Dismissed). (48 employees).

(Re: Island Lake Lumber Company Limited,
Island Lake, Ontario).

The Board endorsed the Record as follows:

"A mass of evidence was presented to the Board in this case by all parties. It is not surprising that there was a sharp conflict of testimony on many material points, so that the demeanour of the witnesses who appeared before the Board was an important consideration in the conclusions at which we have arrived.

There was evidence before us of activities on the part of members of the supervisory staff of Island Lake Lumber Company Limited, the employer of the employees affected by this application, both prior to and during the time when the documentary evidence in support of the application was being prepared and circulated, which in our opinion called for an explanation, but which on the evidence presented at the hearing was not satisfactorily explained.

Where an applicant for a declaration terminating bargaining rights has had the advantage of support from an employer, the Board must scrutinize the evidence presented by or on behalf of the applicant very closely to insure that the documentary evidence submitted by the applicant constitutes a free expression of the wishes of the employees. In all the circumstances of this case, we are not satisfied that the documentary evidence presented by the applicant does constitute such an expression."

18.818-59: Don Moore (Applicant) v. Lumber & Sawmill Workers' Union, Local 2537 of the United Brotherhood of Carpenters and Joiners of America (Respondent) (Dismissed) (112 employees).

(Re: Wesmak Lumber Company Limited,
Westree.)

The Board endorsed the Record as follows:

"On an application for termination of bargaining rights, the Board requires the applicant to produce a witness or witnesses who will be able to testify from personal knowledge as to the circumstances surrounding the origination of the material filed in support of the application and

the manner in which the signatures of the employees thereon were obtained. In the present case only one witness, Moore, was called to give such evidence. Another witness, Otis, called by the respondent, did testify that he witnessed Moore's signature. Gagnon, who is alleged to have witnessed a number of signatures, was not called as a witness.

We are satisfied on the evidence before us and particularly the testimony of Boudreault and Dube whose evidence was specific on this point as distinct from Korpela's which was vague and uncertain, that the activities of Ostrom, in connection with the prior document, took place some time following September 28, 1959 and were taking place on or after October 5, 1959. The petition in this case is dated October 8, 1959. In view of Ostrom's earlier activities and having regard to the decision of the Board in the Preston and Sons Limited Case, (1957) CCH Canadian Labour Law Reporter, Transfer Binder 1955-59, 16,089, C.L.S. 76-572, there is, in our view, a heavy onus on the applicant in this case to meet the requirements of the Board with respect to the circumstances surrounding the origination, preparation and circulation of the petition.

After carefully considering all the evidence and the demeanor of the witnesses, we are satisfied that Moore's testimony viewed in its most favourable light is, to say the least, far from frank. We refer specifically to the question of expenses, the presence of Ostrom during the signing of the petition, the question as to whether the petition was out of Moore's possession (apart, of course, from Gagnon) and the question of the threat to Duquette. In our view, these are extremely important matters and the unreliability of Moore's evidence on these points reflects on the whole of his evidence. But Moore's evidence is the only evidence before the Board on the origination, preparation and circulation of the petition. The result is that we find that the only evidence on these matters is unreliable. Keeping in mind the onus which rests on the applicant, we are of the opinion that the application must be dismissed.

We desire to make it clear that the same result would follow whether the application is viewed as one on behalf of all the employees who signed the petition, or simply as one by the employees of Wesmak proper, because the unreliability attaches not only to the whole but to any part thereof.

In conclusion, it should be pointed out that this decision must not be construed as a finding that the employees of Bernier, Charlebois and Landriault are employees within the meaning of The Labour Relations Act for the purposes of this application. In view of the conclusion to which we have come, it has not been necessary to make any finding on this point."

Board member H.F. Irwin dissented and said:

"I dissent.

The applicant filed evidence with the Board that 72 out of 112 employees (64.2%) had signified in writing that they no longer wish to be represented by the respondent trade union. In view of all the circumstances of this case, I would have given weight to this evidence and directed that a representation vote be taken."

19.781-60: Ross Condie (Applicant) v. Teamsters, Chauffeurs, Warehousemen and Helpers, Local Union No. 880 affiliated with the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America (Respondent). (Granted). (25 employees).

(Re: International Harvester Company of Canada, Limited, Chatham Stores)

On July 25th, 1960, the Board endorsed the Record in part as follows:

"On March 11th, 1959, the Board certified the Teamsters, Chauffeurs, Warehousemen and Helpers, Local Union No. 880, the respondent in this proceeding, for a bargaining unit consisting of all employees of International Harvester Company of Canada, Limited (hereinafter referred to as the 'company'), at its stores in Chatham, save and except foremen, persons above the rank of foreman and office and sales staff. The Board declared specifically that W. B. Dawson, A. G. Martens, and 'one Aylsworth' were deemed to be foremen. Subsequently, the respondent union and the company, in the course of their negotiations for a collective agreement expressly agreed, we were informed at the hearing, that the three persons named above should be included in the bargaining unit for which the respondent union was the bargaining agent.

In the course of the hearing of the present application (for a declaration terminating the respondent's bargaining rights), it was brought to the attention of the parties that one or more of the persons named above (their names were not revealed to the parties at the hearing in view of section 72 (1) of The Labour Relations Act) had signed the document submitted by the applicant as evidence of compliance by the applicant with section 41 of the Act. Counsel for the applicant, and indeed the representative of the respondent, were not able to cast any light on the situation other than to agree that the three men concerned had been included in the bargaining unit as we have already indicated. The Board then appointed an examiner to enquire into their duties and responsibilities.

Upon consideration of the report of the examiner and the representations submitted to the parties thereon, we are of opinion and so find that although the titles of D.B. Aylesworth, W.B. Dawson and R.G. Martens have been altered, their duties and responsibilities are essentially the same as they were at the time of the Board's decision on March 11, 1959, on the certification of the respondent. Having regard to the finding of the Board in the previous case, they are not employees within the meaning of the Act. Nevertheless, since the three persons concerned were expressly brought within the unit represented by the respondent union and since they were treated by the parties as employees within the bargaining unit - the report indicates that one of them filed a grievance which was processed by the union under the terms of the agreement - it is our opinion that the fact that one or more of them signed the document filed by the applicant in support of this application does not invalidate the document as evidence of compliance by the applicant with the provisions of section 41 of the Act.

W.B. Dawson, R.C. Martens and D.B. Aylesworth are not eligible to vote."

Number of names on revised eligibility list		18
Number of ballots cast	18	
Number of ballots segregated (not counted)	1	
Number of ballots marked in favour of respondent	5	
Number of ballots marked as opposed to respondent	12	

20,036-60: Mr. J. Pawlaczyk, and a group of employees
(Applicant) v. United Steel Workers of America. (Respondent)
(134 employees).

(Re: York Steel Construction Limited,
Toronto)

Before J. Finkelman, Q.C., Chairman, and Board Members
D.B. Archer and H.F. Irwin.

"Having regard to

- (1) the evidence presented at the hearing relating to the identification of the documents filed by the applicant in support of the application,
- (2) the appearance on such documents of the signatures of a number of persons who were foremen,
- (3) the demeanor in the witness box of J. Pawlaczyk, one of the principal witnesses for the applicant, and
- (4) the documentary and other evidence presented on behalf of the respondent that a number of persons, whose signatures were identified, and who had at one stage signed the documents in support of the application had subsequently changed their minds and now no longer wished to have the respondent "decertified",

we find that the applicant has failed to satisfy the Board that he has met the requirements of section 41 of The Labour Relations Act. The application is accordingly dismissed."

Board Member H.F. Irwin said:

"I concur in the result. However, I dissent from the views of the majority in so far as the fourth ground upon which they rely is concerned.

Section 41(3) of The Labour Relations Act requires the applicant in cases for termination of bargaining rights instituted under section 41 to submit evidence that more than fifty per cent of the employees in the bargaining unit concerned

have signified in writing that they no longer wish to be represented by the incumbent trade union. If the applicant produces such evidence and it meets the Board's standard tests in respect of its origination, preparation and the manner in which the signatures were obtained, it is my view that revocations signed by employees, who previously signified in writing that they did not wish the union to continue to represent them, cannot have the effect of completely nullifying the evidence in writing filed by the applicant. At best, if at all, revocations can only place the true wishes of the employees in doubt which can be resolved by a representation vote and this is exactly what the section directs the Board to order. To do otherwise, denies the applicant his statutory rights under this section of the Act. Reference may be made to my dissent in the Roselawn Dairy Case (March 17, 1958) and to Board Member Young's dissent in the Preston and Sons Ltd. Case (August 17, 1960). The latter case is to be published in the O.L.R.B. Monthly Report for August, 1960.

While the first of the grounds for dismissing the instant case is in accordance with present Board policy, my comments in respect thereto are set out in my dissent in the Sinnott News Company Ltd. Case, (1958) Canadian Labour Law Reporter, 1955 - 1959 Transfer Binder, ¶16,114; C.L.S., 76 605.

The majority of the Board added the following comment:

"We feel that it is incumbent upon us to point out that the position taken by Board Member H.F. Irwin in effect renders nugatory the "invitation" to employees in the second paragraph of Form 3A of the Board's Rules of Practice and Procedure."

20.091-60: G. Archambault et al (Applicant) v. International Brotherhood of Teamsters, Chauffeurs, Warehouse Helpers of America, Local 419 (Respondent). (40 employees).

(Re: H. Fine & Sons Limited,
Ottawa Warehouse)

Number of names on revised eligibility list	26
Number of ballots cast by persons whose names appear on revised eligibility list	25
Number of ballots cast by persons whose names do not appear on revised eligibility list	1
Number of ballots segregated (not counted)	1
Number of ballots marked in favour of respondent	9
Number of ballots marked as opposed to respondent	16

20.386-60: Harold Meadowcroft and a group of employees (Applicants) v. United Automobile, Aircraft and Agricultural Implement Workers of America UAW Local 397 (Respondent). (Dismissed). (20 employees).

(Re: Barnard Foundries Limited,
Brantford)

Number of names on revised eligibility list	20	20
Number of ballots cast		
Number of ballots marked in favour of respondent	12	
Number of ballots marked as opposed to respondent	7	
Number of ballots segregated (not counted)	1	

20.500-60: Anthony Vassallo, Archie Hoevenaars, Charles Albert Greaves (Applicants) v. Teamsters Union Loc. 880. (Respondent) (Withdrawn). (13 employees).

(Re: (Flanagan Delivery Service,
London, Ontario).

20.263-60: Phil Wood Industries Limited (Applicant) v. International Union, United Automobile, Aircraft and Agricultural Implement Workers of America (U.A.W.). (Respondent). (Granted). (12 employees).

(Re: Phil Wood Industries Limited,
Windsor, Ontario.)

The Board in directing that a representation vote be taken endorsed the Record in part as follows:

"On March 31st, 1960, the respondent union was certified as bargaining agent for a unit of employees of the applicant.

Both the representations of the applicant company and the admissions of the respondent union are to the effect that since the date of certification the union has not:

- (1) given any notice to the applicant of a desire to bargain with a view to the making of a collective agreement; nor
- (2) attended or requested any meetings with the applicant for the purpose of collective bargaining; nor
- (3) made any effort whatever to bargain with the applicant."

Number of names on revised eligibility list	11
Number of ballots cast	11
Number of ballots marked in favour of respondent	0
Number of ballots marked as opposed to respondent	11

APPLICATIONS FOR DECLARATION CONCERNING STATUS OF SUCCESSOR
TRADE UNION DISPOSED OF DURING SEPTEMBER, 1960

20,519-60: Local Union 138 of the International Brotherhood of Electrical Workers AFL-CIO-CLC (Applicant) v. The Hydro Electric Commission of the City of Hamilton (Respondent). (Withdrawn).

APPLICATIONS FOR DECLARATION UNDER SECTION 68 DISPOSED OF
DURING SEPTEMBER, 1960

19428-60: Local #35, National Union of Public Service Employees (Applicant) v. The Corporation of the Town of Sturgeon Falls (Respondent). (Withdrawn).

APPLICATIONS FOR DECLARATION THAT STRIKE UNLAWFUL DISPOSED
OF DURING SEPTEMBER, 1960

19,869-60: Falconbridge Nickel Mines Limited (Applicant) v. J. E. Keuhl and the 230 additional employees of the applicant listed in the attached schedule. (District of Sudbury) (Respondent).

The Board endorsed the Record as follows:

"For the reasons given in writing the Board declares that the employees of the applicant at its Hardy and Fecunis mines and mills and service departments who refused to work in combination or in concert or in accordance with a common understanding on one or more of the days between May 16 to 20, 1960 (both days inclusive) engaged in a strike within the meaning of section 1(1)(h) of The Labour Relations Act and that such strike was contrary to section 49 (1) of The Labour Relations Act and was therefore unlawful."

20.441-60: Ellis-Don Limited (Silverwoods project and Howden Hardware project, London) (Applicant) v. The International Hos Carriers', Building and Common Labourers' Union of America, Local 1059 (Respondent). (Withdrawn).

20.442-60: Ellis-Don Limited (Silverwoods Project and Howden Hardware Project, London) Applicant) v. Bricklayers' and Stonemasons' Union, Local 5 (Respondent). (Withdrawn).

20.443-60: Ellis-Don Limited (Silverwoods project and Howden Hardware project, London) (Applicant) v. The United Brotherhood of Carpenters and Joiners of America, Local 1946 (Respondent) (Withdrawn)

APPLICATIONS FOR CONSENT TO PROSECUTE DISPOSED OF DURING
SEPTEMBER, 1960

20.278-60: United Rubber, Cork, Linoleum & Plastic Workers of America, Local 88 (Applicant) v. Kaufman Rubber (Ontario) Limited (Kitchener) (Respondent). (Granted).

The Board endorsed the Record as follows:

"The principles upon which this Board has acted in connection with the obligation of the parties under section 11 of The Labour Relations Act following completion of the conciliation process are set forth in the New Method laundry Case (1957 C. C. H. Canadian Labour Law Reporter, Transfer Binder 1955-59, ¶ 16059; C.L.S. 76-533. In the Canadian Name Plate Company Limited Case, (unreported file #12085-56), a case where a union sought leave to prosecute during the course of a strike for a failure to comply with section 11, the majority of the Board, while refusing leave in all the circumstances of that case, said:

However, the applicant union continues to represent the employees of the respondent company in the appropriate unit for collective bargaining purposes and, in view of the request submitted by the union to the company that the parties meet in order to review their respective positions, the Board draws the attention of the parties to the principles set out in the decision of the majority in the New Method Laundry Case, (1957) CCH Canadian Labour Law Reports ¶16,059; CLS 76-533, as to the obligations of both parties in such circumstances and recommends that the parties meet forthwith.

It is obvious from these decisions that even in a strike situation the Board is of the opinion that the obligation to bargain in good faith and make every reasonable effort to make a collective agreement continues. It is interesting to note that while counsel for the respondent argued that leave should not be granted in this particular case, he did not quarrel with the general principle outlined in the New Method Laundry Case.

Having regard to the above and to all the evidence before the Board which, it should be noted, was not substantially denied or challenged by the respondent, the Board is of the opinion that there is evidence from which it could be inferred that the respondent failed to bargain in good faith and make every reasonable effort to make a collective agreement as alleged by the applicant.

In all the circumstances of this case, therefore, the Board consents to an institution of a prosecution of the respondent for failure to comply with the provisions of section 11 of The Labour Relations Act, contrary to section 61 of the said Act.

The appropriate documents will issue.

The Board desires to point out that there was no evidence called in support of the allegations set forth in paragraph 4 of the respondent's reply and no reference was made to these allegations at the hearing of this case."

20.451-60: Ellis-Don Limited (Silverwoods project and Howden Hardware project, London) (Applicant) v. Ernie Donne (Respondent). (Withdrawn).

20.452-60: Ellis-Don Limited (Silverwoods project and Howden Hardware Project, London) (Applicant) v. Kenneth Jackson (Respondent). (Withdrawn).

20.453-60: Ellis-Don Limited (Silverwoods project and Howden Hardware project, London) (Applicant) v. Joseph M. Jones (Respondent). (Withdrawn).

20.465-60: Hill-Clark-Francis Limited (project known as the Extension to the Sudbury Mining and Technical School, College Street, Sudbury, Ontario) (Applicant) v. C. Champagne (Respondent). (Withdrawn).

20.466-60: Hill-Clark-Francis Limited (project known as the Extension to the Sudbury Mining and Technical School, College Street, Sudbury, Ontario) (Applicant) v. Leo Lalonde (Respondent). (Withdrawn).

20.467-60: Hill-Clark-Francis Limited (project known as the Extension to the Sudbury Mining and Technical School, College Street, Sudbury, Ontario) (Applicant) v. A. Blick (Respondent). (Withdrawn).

20.468-60: Hill-Clark-Francis Limited (project known as the Extension to the Sudbury Mining and Technical School, College Street, Sudbury, Ontario) (Applicant) v. Martin E. Sutinen (Respondent). (Withdrawn).

20.469-60: Hill-Clark-Francis Limited (project known as the Extension to the Sudbury Mining and Technical School, College Street, Sudbury, Ontario) (Applicant) v. S. Perakyla (Respondent). (Withdrawn).

REQUESTS FOR RECONSIDERATION IN CERTIFICATION APPLICATIONS
DISPOSED OF BY THE BOARD

18.205-59: International Union of Operating Engineers, Local 865 (Applicant) v. St. Joseph's Hospital (Port Arthur) (Respondent). (Granted August, 1959).

On September 1st, 1960, the Board further endorsed the Record as follows:

"After carefully considering the representations of the respondent herein, we are of the opinion that the Board's decision of August 19th, 1959, in this matter should be confirmed."

Board Members, H.F. Irwin and C.C. Young dissenting said:

"In the circumstances of this case we do not believe that it is appropriate to include Mr. E. Fowler in the Bargaining unit."

SPECIAL ENDORSEMENTS IN CONCILIATION APPLICATIONS DISPOSED
OF IN SEPTEMBER, 1960

18.202-59: Amalgamated Meat Cutters and Butcher Workmen of North America AFL-CIO Local Union 633 (Applicant) v. Bayview Meat Market (Toronto Area) (Respondent). (Dismissed).

The Board endorsed the Record as follows:

"In all the circumstances of this case we are of the opinion that the application for relief under section 12 (3) of The Labour Relations Act must be refused. The application for conciliation services is denied without prejudice to a future application being made."

Board Members, E. Boyer and G.R. Harvey dissented and said:

"In all the circumstances of this case we would have granted the relief under section 12 (3) of The Labour Relations Act."

20.307-60: International Hod Carriers' Building and Common Labourers' Union of America, Local Union #597 (Applicant) v. Peter Willems (County of Durham, Townships of Whitby, Brock, Uxbridge and Scott in the County of Ontario, Townships of Hamilton, Haldimand, Alnwick in the County of Northumberland) (Respondent). (Dismissed).

The Board endorsed the Record as follows:

"Since the parties have reached a collective agreement, these proceedings for conciliation are hereby terminated."

20.330-60: The United Garment Workers of America, Local 253 (Applicant) v. Bude Sportswear Co. Ltd. (Metropolitan Toronto) (Respondent). (Dismissed).

The Board endorsed the Record as follows:

"Having regard to the evidence that the applicant union did not give written notice to the respondent of its desire to bargain with a view to making a collective agreement following certification, and to the evidence that no bargaining took place between the parties, this application for conciliation services is denied."

20,424-60: United Brotherhood of Carpenters and Joiners of America, Local 1758, Brockville (Applicant) v. Pentagon Construction Co. Ltd. (Brockville, Prescott, Cardinal and Iroquois, and all territory within a radius of 10 miles, North of the St. Lawrence River, 10 miles East of Iroquois, and 10 miles West of Brockville) (Respondent). (Dismissed).

The Board endorsed the Record as follows:

"Since the respondent has no employees and does not contemplate having any employees within the immediate future, and having regard to the fact that there have been no meetings or bargaining by the parties, this application is dismissed without prejudice to a new application being made by the applicant in the event that the respondent engaged employees."

MONTHLY REPORT



ONTARIO LABOUR RELATIONS BOARD

MONTHLY REPORT OF THE ONTARIO LABOUR RELATIONS BOARD

FOR THE MONTH OF OCTOBER, 1960

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PART ONE

STATISTICAL TABLES

TABLE I

APPLICATIONS FILED WITH THE ONTARIO LABOUR RELATIONS BOARD

Type of Application	Number of Applications Filed		
	Oct. 1960	1st 10 months of fiscal year 60-61	10 months of fiscal year 59-60
I. Certification	50	438	495
II. Declaration Terminating Bargaining Rights	2	26	51
III. Declaration of Successor Status	2	5	7
IV. Conciliation Services	75	624	753
V. Determination under Section 68 of Act	2	5	5
VI. Consent to Early Termination of Agreement	-	-	-
VII. Declaration that Strike Unlawful	5	17	20
VIII. Declaration that Lockout Unlawful	-	2	1
IX. Consent to Prosecute	15	65	66
X. Miscellaneous	-	1	-
XI. Complaint of Unfair Practices in Employment (Section 57)	2	2	-
XII. Other Applications	-	-	-
TOTAL:	<u>153</u>	<u>1185</u>	<u>1398</u>

TABLE II
HEARINGS OF THE ONTARIO LABOUR RELATIONS BOARD

	Number		
	Oct. 60	1st 10 months of fiscal year 60-61	10 months of fiscal year 59-60
Hearings and continuation of Hearings by the Board	70	518	701

TABLE III

Type of Application	Number of Applications Disposed of		
	Oct. '60	1st 10 months of fiscal year 60-61	59-60
I. Certification	58	465	463
II. Declaration Terminating Bargaining Rights	1	32	48
III. Declaration of Successor Status*	-	7	7
IV. Conciliation Services	69	614	769
V. Determination under Section 68 of Act	1	5	5
VI. Consent to Early Termination	-	1	-
VII. Declaration that Strike Unlawful	1	18	21
VIII. Declaration that Lockout Unlawful	-	1	4
IX. Consent to Prosecute	3	53	77
X. Miscellaneous	<u>-</u>	<u>1</u>	<u>1</u>
TOTAL:	<u>133</u>	<u>1197</u>	<u>1395</u>

*This does not include cases in which the question of successor status arises as a collateral issue.

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TABLE IV

APPLICATIONS DISPOSED OF BY THE ONTARIO LABOUR RELATIONS BOARD
BY TYPES AND BY DISPOSITION

Disposition	No. Appl'ns Disposed of			*Employees		
	Oct. '60	1st 10 mos. 60-61	fiscal yr. 59-60	Oct. '60	1st 10 mos. 60-61	fiscal yr. 59-60
<u>I. Certification</u>						
<u>Certified</u>						
CLC	31	264	275	1168	7457	6683
Other	<u>10</u>	<u>49</u>	<u>46</u>	<u>122</u>	<u>1027</u>	<u>900</u>
Total	41	313	321	1290	8484	7583
<u>Dismissed</u>						
CLC	6	76	80	137	2880	4474
Other	<u>6</u>	<u>24</u>	<u>18</u>	<u>48</u>	<u>775</u>	<u>972</u>
Total	12	100	98	185	3655	5446
<u>Withdrawn</u>						
CLC	2	41	32	60	762	481
Other	<u>3</u>	<u>11</u>	<u>12</u>	<u>18</u>	<u>141</u>	<u>266</u>
Total	5	52	44	78	903	747
TOTAL:	<u>58</u>	<u>465</u>	<u>463</u>	<u>1553</u>	<u>13042</u>	<u>13776</u>
Certification Applications Disposed of						

*These figures refer to the number of employees directly affected, and are based on the number of employees in the bargaining units at the time the applications for certification were filed with the Board. Totals for applications dismissed and withdrawn are approximate.

- 243 - APPLICATIONS DISPOSED OF BY
BOARD (continued)

Disposition	No. Appl'ns Disposed of			*Employees		
	Oct. 1st 10 mos. fiscal yr.	Oct. 1st 10 mos. fiscal yr.	Oct. 1st 10 mos. fiscal yr.	Oct. 1st 10 mos. fiscal yr.	Oct. 1st 10 mos. fiscal yr.	Oct. 1st 10 mos. fiscal yr.
	'60	60-61	59-60	'60	60-61	59-60

II. Termination
Bargaining Rights

Terminated

CLC	1	13	21	60	306	724
Other	-	<u>4</u>	<u>3</u>	-	<u>121</u>	<u>29</u>
Total	1	17	24	60	427	753

Dismissed

CLC	-	9	20	-	335	592
Other	-	<u>1</u>	<u>2</u>	-	<u>17</u>	<u>11</u>
Total	-	10	22	-	352	603

Withdrawn

CLC	-	4	1	-	380	34
Other	-	<u>1</u>	<u>1</u>	-	<u>13</u>	<u>104</u>
Total	-	5	2	-	393	138

TOTAL:	<u>1</u>	<u>32</u>	<u>48</u>	<u>60</u>	<u>1172</u>	<u>1494</u>
Termination Applications Disposed of						

*These figures refer to the number of employees directly affected, and are based on the number of employees in the bargaining units at the time the applications were filed with the Board. Totals for termination applications dismissed and withdrawn are approximate.

- 244 - APPLICATIONS DISPOSED OF BY
BOARD (continued)

Disposition	Number of Applications Disposed of		
	Oct. 1st 1960	1st 10 months of fiscal year 60-61	10 months of fiscal year 59-60

III. Successor Status

Granted	-	5	7
Dismissed	-	1	-
Withdrawn	<u>-</u>	<u>1</u>	<u>+</u>
Total	<u>-</u>	<u>7</u>	<u>7</u>

IV. Conciliation Services*

Referred

CLC	34	453	586
Other	<u>29</u>	<u>123</u>	<u>109</u>
Total	63	576	695

Dismissed

CLC	-	9	33
Other	<u>-</u>	<u>3</u>	<u>2</u>
Total	-	12	35

Withdrawn

CLC	1	16	36
Other	<u>5</u>	<u>10</u>	<u>3</u>
Total	6	26	39

TOTAL:	<u>69</u>	<u>614</u>	<u>769</u>
Conciliation Applications Disposed of			

*Includes applications for conciliation services re unions claiming successor status.



- 245 - APPLICATIONS DISPOSED OF BY BOARD
(continued)

Disposition	Number of Applications Disposed of		
	Oct. '60	1st 10 months of fiscal year '60-61	1st 10 months of fiscal year 59-60

V. Determination under Section 68

Granted	-	1	1
Dismissed	-	1	1
Withdrawn	<u>1</u>	<u>2</u>	<u>3</u>
Total	<u><u>1</u></u>	<u><u>4</u></u>	<u><u>5</u></u>

VI. Consent to Early Termination of Agreement

Granted	-	1	-
Dismissed	-	-	-
Withdrawn	<u>-</u>	<u>-</u>	<u>-</u>
Total	<u><u>-</u></u>	<u><u>1</u></u>	<u><u>-</u></u>

VII. Declaration that Strike Unlawful

Granted	-	2	2
Dismissed	-	1	2
Withdrawn	<u>1</u>	<u>15</u>	<u>17</u>
Total	<u><u>1</u></u>	<u><u>18</u></u>	<u><u>21</u></u>

- 246 - APPLICATIONS DISPOSED OF BY BOARD
(continued)

Disposition	Number of Applications Disposed of		
	Oct. '60	1st 10 months of fiscal year 60-61	59-60
VIII. <u>Declaration that Lockout Unlawful</u>			
Granted	-	1	1
Dismissed	-	-	-
Withdrawn	<u>-</u>	<u>-</u>	<u>3</u>
Total	<u>-</u>	<u>1</u>	<u>4</u>
IX. <u>Consent to Prosecute</u>			
Granted	-	14	23
Dismissed	-	2	9
Withdrawn	<u>3</u>	<u>37</u>	<u>45</u>
Total	<u>3</u>	<u>53</u>	<u>77</u>
X. <u>Miscellaneous*</u>			
Granted	-	1	-
Dismissed	-	-	1
Withdrawn	<u>-</u>	<u>-</u>	<u>-</u>
Total	<u>-</u>	<u>1</u>	<u>1</u>

*See Case Listings for details.

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TABLE V

REPRESENTATION VOTES IN CERTIFICATION APPLICATIONS DISPOSED OF
BY THE BOARD

Disposition	Number of Votes		
	Oct. '60	1st 10 months of fiscal year 60-61	59-60
<hr/>			
(1)			
<u>Certification After Vote</u>			
<u>Ballot Choice</u>			
Yes-No	2	20	15
Choice between 2 Unions	2	11	17
Other	-	-	-
Total Certified	4	31	32
 <u>Dismissed After Vote</u>			
<u>Ballot Choice</u>			
Yes-No	7	42	36
Choice between 2 Unions	-	7	11
Other	-	-	-
Total Dismissed	<u>7</u>	<u>49</u>	<u>47</u>
GRAND TOTAL:	<u>11</u>	<u>80</u>	<u>79</u>
Certification Appl'ns Disposed of after vote			

(1) See Explanatory Notes, April 1960 Report, Page 3

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TABLE VI

REPRESENTATION VOTES IN TERMINATION APPLICATIONS DISPOSED OF
BY THE BOARD

Disposition	Number of Votes		
	Oct. '60	1st 10 months of fiscal year 60-61	59-60
<u>Respondent Union Successful *</u>			
CLC	-	2	3
Other	-	3	-
Total	-	5	3
<u>Respondent Union Unsuccessful</u>			
CLC	-	5	17
Other	-	3	3
Total	-	8	20
GRAND TOTAL:	-	<u>13</u>	<u>23</u>
Termination Appl'ns			
Disposed of after vote			

*In termination proceedings where a vote is taken, the applicant is a group of employees, or the employer; the incumbent union is thus the respondent.

PART TWO

CASE LISTINGS

APPLICATIONS DISPOSED OF BY THE ONTARIO LABOUR RELATIONS
BOARD DURING OCTOBER, 1960.

Bargaining Agents Certified During October.

No Vote Conducted

18,978-59: Office Employees International Union, Local 131
AFL-CIO (Applicant) v. Associated Medical Services Incorporated (Toronto) (Respondent).

Unit: "all office and clerical employees of the respondent at Toronto and those persons employed by the respondent at Toronto as elevator operator, cleaning woman and cafeteria employee, save and except superintendents, persons above the rank of superintendent, sales representatives, persons regularly employed for not more than 24 hours per week and students hired for the school vacation period and one private secretary to each of the following, the secretary-treasurer, the chief medical officer and the managing director." (96 employees in the unit).

The Board endorsed the Record in part as follows:

"The Board has given careful consideration to the evidence contained in the examiner's report and to the representations and arguments of the parties. Many of the problems confronting the Board in determining the composition of the bargaining unit in this case are due to the fact that the organizational structure of certain employees have been and are in the process of reorganization and change. Much of the evidence pertaining to the duties and responsibilities of certain employees is referable to their duties and responsibilities as they were changed following the date of the application rather than as they existed at the time of the application.

On the basis of its long-established practice the Board makes its determination on the inclusion or exclusion of an employee from the bargaining unit by reference to such employee's duties and responsibilities on the date of the application. (See in this regard Regina v. Ontario Labour Relations Board Ex Parte Underwater Gas Developers Ltd. (1960 O.W.N. 53, Smily J., at p. 54 and (1960) O. R. 416 Aylesworth J. A. at pp. 419-420).

Consistent with this practice, therefore, the Board cannot, in making its determination of the bargaining unit, take into consideration the duties and responsibilities of employees which have changed since the date of the application nor as to what they might be expected to become in the future."

20,035-60: Retail, Wholesale and Department Store Union, AFL:CIO:CLC (Applicant) v. Northern Beverages (Cobalt) (Respondent).

Unit: "all employees of the respondent at its plant at Cobalt, save and except foremen, persons above the rank of foreman, supervisors and office staff."
(7 employees in the unit).

20,116-60: The Canadian Union of Operating Engineers (Applicant) v. Industrial Steam Limited (Ajax Plant) (Respondent) v. International Union of Operating Engineers, Local 796 (Intervener). (Intervener Dismissed)

The Board endorsed the Record in part as follows:

"For the reasons given in The Municipality of Metropolitan Toronto Case, the Board finds that the applicant is a trade union within the meaning of section 1 (1) (i) of The Labour Relations Act."

Unit: "all employees of the respondent employed in the operation and maintenance of the central steam plant at Ajax, save and except the chief engineer."
(13 employees in the unit).

The Board further endorsed the Record in part as follows:

"As the intervener failed to satisfy the Board that it had as members any of the employees of the respondent in the above bargaining unit its application is dismissed."

20,150-60: The Lumber and Sawmill Workers' Union, Local 2995 of the United Brotherhood of Carpenters and Joiners of America, A.F.L. - C.I.O. (Applicant) v. N.J. Girard Limited (bush operations in the Township of Lennox and the townships immediately adjacent thereto) (Respondent).

Unit: "all employees of the respondent in its bush operations in the Township of Lennox and the townships immediately adjacent thereto, save and except foremen, persons above the rank of foreman, office staff, scalers and tallymen." (222 employees in the unit).
(Written reasons were issued).

20,302-60: Laundry, Dry Cleaning and Dye House Workers' International Union, Local 351 (Applicant) v. Feasby Services Limited (St. Catharines) (Respondent).

Unit: "all employees of the respondent at St. Catharines, save and except foremen, foreladies, persons above the rank of foreman or forelady, driver salesmen, attendants hired for the school vacation period, persons regularly employed for not more than 24 hours per week, office staff and persons employed in the retail stores."
(102 employees in the unit).

The Board endorsed the Record as follows:

"For the purposes of clarity the Board notes that the employees of the store at the plant are excluded from the bargaining unit."

20,400-60: United Plant Guard Workers of America, Local 1958 Amalgamated Plant Guards, of Plant Guard Employees of the Province of Ontario (Applicant) v. Ford Motor Company of Canada Limited (Oakville plant) (Respondent).

Unit: "all plant protection officers in the employ of the respondent in its Oakville plant, save and except supervisors, and persons above the rank of supervisor."
(34 employees in the unit).

The Board endorsed the Record as follows:

"It was alleged, and evidence was adduced by three employees who appeared as objectors at the hearing, that the applicant had misrepresented certain facts to induce them to join the union. These alleged misrepresentations were to the effect that one Mr. Taylor, a representative of the applicant union, had told them:

- (1) that Pinkertons had conducted a survey of the respondent's plant at Oakville with a view to replacing the present plant protection staff;
- (2) that the manager of the Plant Protection Plant had received a letter from the Respondent's Head Office referring to the inauguration of an annual medical inspection plant for Plant Protection guards as a result of which some employees might be discharged.

We were told that Mr. Taylor showed these employees a pamphlet (Exhibit 2) circulated by Burns Contract Security Services containing a photograph of four slovenly-dressed guards and below that a photograph of five smartly-dressed guards and stating, 'For what these four men cost you -- you can have five Burns guards!'

According to their evidence Mr. Taylor advised them that the only way they could protect their jobs was to join the union.

It is apparent from the evidence of these employees, which is confirmed by the witnesses called by the union, that there had already been a rumour current in the plant about the company instituting a medical plan before it was mentioned by Mr. Taylor. Further, it is evident from the evidence of Mr. Kennedy, that at the time they were made he in fact doubted the accuracy of the statements which he says were made by Mr. Taylor about the survey at Oakville and the medical plan. There is also a conflict of evidence as to what in fact was said by Mr. Taylor with regard to the survey at Oakville.

Mr. Taylor and the witnesses called for the union deny that he said that a survey had in fact been made at Oakville. According to their version, he said that since a survey had been conducted at the Windsor plant, it was reasonable to assume that a similar survey had been conducted at the Oakville plant. It is apparent from all the evidence that the survey at the Windsor plant was well-known to the employees at the Oakville plant before they were told about it by Mr. Taylor. Also, according to the evidence of Mr. McGraw, called on behalf of the Union, an advertisement similar to that contained in the pamphlet of Burns Contract Security Service had appeared in the Oakville paper.

The objectors filed a letter dated April 19th, 1960, under the letter-head of Ford Motor Company of Canada Limited addressed to Mr. Kennedy in which it is stated:-

'It has been said that the company has investigated the possibility of discharging the Oakville plant protection staff, replacing them with an outside guard agency at a considerably reduced cost to the Company, in a manner similar to that reportedly done recently in a plant of another company in the southern United States.

May I assure you that Ford of Canada has not made such an investigation. The Company believes that it is its best interests to have its extensive and valuable property protected by its own personnel. Therefore, the Company has no intention of changing the practice which has been in effect for over 40 years, of having its own plant protection officers protect Company property and equipment.'

This letter also states that the company does 'intend to institute regular medical examination for plant protection officers'.

Even assuming that we were to accept the objectors' version of what Mr. Taylor said, the witnesses who gave evidences for the objectors, we are unable in the circumstances of the case to conclude that such statements were likely to or did in fact mislead these employees. At the most such statements would amount to campaign propaganda, clearly recognizable as such by any reasonable employee. Further, under all the circumstances of the case we are of the opinion that such an employee would be fully capable of evaluating them at their true worth.

It will be noted also that the union did not file application cards for any of the persons who gave evidence on behalf of the objectors. Of the 34 persons whose names appear on the respondent's list of employees, the union filed membership applications for over 70%. It is significant that none of these persons testified that they had been misled by any statements made by the union.

There was also a suggestion on the part of the objectors that the Union had used intimidation to obtain membership.

No evidence of this was adduced at the hearing.

Having regard to the evidence, therefore, the Board is unable to give effect to the arguments of the objectors that employees were induced by misrepresentation to become members of the applicant union."

20,407-60: Pattern Makers of Hamilton and Vicinity (Applicant) v. Shewell Pattern & Manufacturing Ltd. (Hamilton) (Respondent).

Unit: "all pattern makers and their apprentices in the employ of the respondent at Hamilton, save and except non-working foremen and persons above the rank of non-working foreman." (5 employees in the unit).

20,415-60: General Truck Drivers' Union, Local 938, affiliated with the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America (Applicant) v. Perry Transport (Streetsville) (Respondent).

Unit: "all employees of the respondent employed at and working out of Streetsville, save and except foremen, persons above the rank of foreman, and office staff." (8 employees in the unit).

The Board endorsed the Record in part as follows:

"Prior to the preparation of the two petitions submitted in opposition to this application, Mr. Perry, a representative of management, held personal interviews with employees in his office. These interviews occurred on or about August 26th, 1960, the same date the respondent received notice of the applicant's application for certification. Both the witnesses explained that during the interview Mr. Perry expressed hostility towards them for wanting the union and asked them their reasons. One of the witnesses told us that he gave reasons why he wanted the union and argued with Mr. Perry about certain working conditions. This same witness said that he later talked the matter over with other employees, who had also been interviewed by Mr. Perry, and they then realized they had 'jumped too quickly.' He commented that Mr. Perry went away on vacation 'and left it in our hands'.

It is also to be noted that the two petitions are of the 'round-robin' variety and are both signed by a foreman, Mr. Carl Seip.

Having regard to all the circumstances in this case, and to the demeanour of the two witnesses who gave evidence, the conclusion is inescapable that, whatever the true intention of management may have been, the interviews and expressions of hostility by management had an intimidatory influence on the employees. Further, on the evidence the conclusion is equally inescapable that both petitions were prepared and signed under and as a result of such influence, and were not the result of the exercise of a free and independent change of mind on the part of the employees concerned.

Accordingly, the Board is not prepared to find that this documentary evidence weakens the evidence of membership so as to require the Board to seek the confirmatory evidence of a representation vote."

Board Member H.F. Irwin dissented and said:

"I dissent. Contrary to the views expressed in the majority decision, I was favourably impressed with the oral evidence and demeanour of the two employees, Messrs. Cluteman and Leduc, who appeared at the hearing. Cluteman stated that at no time did Perry suggest the preparation of a petition in opposition to the union and that he, (Cluteman), did not tell Perry he would prepare such a petition. He stated specifically that 'the boys don't want the union'. For these reasons, I would have given weight to the petition and directed that a representation vote be taken."

20.435-60: The United Brotherhood of Carpenters & Joiners of America Local 1669 (Applicant) v. The Carter Construction Company Limited (at its R.C.A.F. Station Project at Moosonee) (Respondent),

Unit: "all carpenters and carpenters' apprentices in the employ of the respondent at its R.C.A.F. Station Project at Moosonee, save and except non-working foremen and persons above the rank of non-working foreman."
(5 employees in the unit).

20,481-60: Retail, Wholesale and Department Store Union, AFL:CIO:CLC (Applicant) v. Weston Bakeries Limited (New Liskeard, Cobalt, Kirkland Lake, Matheson, Ansonville, Cochrane, Smooth Rock Falls, Hearst, Kapuskasing, and Timmins) (Respondent).

Unit #1: "all driver salesmen of the respondent employed at and working out of New Liskeard, save and except route foremen, persons above the rank of route foreman, office staff and persons regularly employed for not more than 24 hours per week." (2 employees in the unit).

The Board endorsed the Record in part as follows:

"The Board notes that the employees of the respondent serving Cobalt are included in this bargaining unit."

Unit #2: "all driver salesmen of the respondent employed at and working out of Kirkland Lake, save and except route foremen, persons above the rank of route foreman, office staff and persons regularly employed for not more than 24 hours per week." (7 employees in the unit).

The Board endorsed the Record in part as follows:

"The Board notes that the employees of the respondent serving Matheson, Cochrane, Smooth Rock Falls and Hearst are included in this bargaining unit."

Unit #3: "all driver salesmen of the respondent employed at and working out of Kapuskasing, save and except route foremen, persons above the rank of route foreman, office staff and persons regularly employed for not more than 24 hours per week." (2 employees in the unit).

Unit #4: "all driver salesmen of the respondent employed at and working out of Timmins, save and except route foremen, persons above the rank of route foreman, office staff and persons regularly employed for not more than 24 hours per week." (3 employees in the unit).

20,484-60: Retail, Wholesale and Department Store Union, AFL:CIO:CLC (Applicant) v. Weston Bakeries Limited (Kirkland Lake) (Respondent).

Unit: "all employees of the respondent at Kirkland Lake, save and except foremen, persons above the rank of foreman, driver salesmen, persons regularly employed for not more than 24 hours per week and students hired for the school vacation period." (27 employees in the unit).

20.521-60: International Union of Operating Engineers, Local 791 (Applicant) v. Robinson Contracting Co. (Hamilton) Limited (Hamilton) (Respondent).

Unit: "all employees of the respondent employed at and working out of Hamilton, engaged in the operation of cranes, bulldozers and similar equipment, and those persons primarily engaged in the maintenance and repair of such equipment, save and except non-working foremen and persons above the rank of non-working foreman." (8 employees in the unit).

20.522-60: Lumber and Sawmill Workers' Union, Local 2995 of the United Brotherhood of Carpenters and Joiners of America, A.F.L.-C.I.O. (Applicant) v. S. P. W. Trucking Co. Limited (in its woods operations in the Townships of Dale, Newton, Frater and Cappel and the townships immediately adjacent thereto) (Respondent).

Unit: "all employees of the respondent engaged in its woods operations in the Townships of Dale, Newton, Frater and Cappel and the townships immediately adjacent thereto, save and except foremen, persons above the rank of foreman, office staff, scalers and tallymen." (49 employees in the unit).

20.523-60: Ready Mix, Building Supply, Hydro and Construction Drivers, Warehousemen and Helpers, Local Union No. 230, of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America (Applicant) v. Port Hope Ready Mix Limited (Port Hope) (Respondent).

Unit: "all employees of the respondent at Port Hope, save and except foremen, persons above the rank of foreman and office staff." (5 employees in the unit).

20.533-60: Ready Mix, Building Supply, Hydro and Construction Drivers, Warehousemen and Helpers, Local Union No. 230 of the International Brotherhood of Teamsters (Applicant) v. Harry's Ready Mix Concrete Limited (Metropolitan Toronto) (Respondent).

Unit: "all employees of the respondent at Metropolitan Toronto, save and except foremen, persons above the rank of foreman and office and sales staff."
(10 employees in the unit).

20.536-60: Lumber and Sawmill Workers' Union, Local 2693 of the United Brotherhood of Carpenters and Joiners of America (Applicant) v. Buchanan Brothers (in its woods operations in Township 92 and the townships immediately adjacent thereto) (Respondent).

Unit: "all employees of the respondent engaged in its woods operations in Township 92 and the townships immediately adjacent thereto, save and except foremen, persons above the rank of foreman and office staff."
(10 employees in the unit).

20,540-60: Local Union 19, United Brotherhood of Carpenters and Joiners of America (Applicant) v. Robinson Contracting Co. (Hamilton) Limited (Hamilton) (Respondent).

Unit: "all carpenters and carpenters' apprentices of the respondent employed at and working out of Hamilton, save and except non-working foremen and persons above the rank of non-working foreman." (6 employees in the unit).

20,548-60: General Truck Drivers, Local 879, affiliated with the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers (Applicant) v. Gord Freeborn Trucking (Hamilton) (Respondent).

Unit: "all employees of the respondent at Hamilton, save and except foremen, persons above the rank of foreman and office staff." (9 employees in the unit).

20,549-60: International Union of United Brewery, Flour, Cereal, Soft Drink and Distillery Workers of America, AFL-CIO-CLC (Applicant) v. Brewers' Warehousing Company, Limited (Gravenhurst) (Respondent).

Unit: "all employees of the respondent at its warehouses and retail stores at Gravenhurst, save and except managers or foremen, persons above the rank of manager or foreman and office staff." (3 employees in the unit).

20,551-60: National Union of Public Employees (Applicant) v. Moe Koffman Operating under the firm name and style of Ottawa Sanitation Services (Ottawa) (Respondent).

Unit: "all employees of the respondent at Ottawa, save and except foremen, persons above the rank of foreman, office staff and persons regularly employed for not more than 24 hours per week." (99 employees in the unit).

20,554-60: United Brotherhood of Carpenters and Joiners of America (Applicant) v. Burnaby Venetian Blinds Limited (Metropolitan Toronto) (Respondent).

Unit: "all employees of the respondent employed at and working out of Metropolitan Toronto, save and except foremen, persons above the rank of foreman, and office staff." (16 employees in the unit).

20,572-60: United Brotherhood of Carpenters and Joiners of America, Local #2486 (Applicant) v. Carrington Construction Co. Ltd. (on its Ramore Radar Station Project in the Township of Ramore) (Respondent).

Unit: "all carpenters and carpenters' apprentices of the respondent employed on its Ramore Radar Station Project in the Township of Ramore, save and except non-working foremen and persons above the rank of non-working foreman."
(14 employees in the unit).

20,574-60: International Brotherhood of Electrical Workers (Applicant) v. The Waterloo Public Utilities Commission (Office Employees) (Respondent).

Unit: "all office employees of the respondent save and except manager, office manager, assistant manager, and one confidential secretary to the manager and office manager."
(10 employees in the unit).

20,587-60: Amalgamated Association of Street Electric Railway (Applicant) v. Sun Parlor Coach Lines Limited (Windsor) (Respondent).

Unit: "all bus operators in the employ of the respondent at Windsor, save and except foremen, persons above the rank of foreman, and office staff." (5 employees in the unit).

The Board endorsed the Record as follows:

"For the purposes of clarity the Board declares that George Issell and the part time bus driver are not included in the bargaining unit."

20,590-60: Bricklayers' and Masons' Union, Local No. 1, Ontario, of the Bricklayers', Masons' and Plasterers' International Union of America (Applicant) v. Mal Romanin (County of Wentworth, except Township of Beverley; the County of Halton, except that portion East of Sixteen Mile Creek from the Lakeshore to the Queen Elizabeth Highway and that portion East of the Sixth Line North from the Queen Elizabeth Highway; Townships of North and South Grimsby, and Caistor in County of Lincoln; County of Haldimand except Townships of Moulton and Dunn) (Respondent).

Unit: "all bricklayers and bricklayer apprentices in the employ of the respondent in the County of Wentworth, except Township of Beverley; the County of Halton, except that portion East of Sixteen Mile Creek from the Lakeshore to the Queen Elizabeth Highway and that portion East of the Sixth Line North from the Queen Elizabeth Highway; Townships of North and South Grimsby, and Caistor in County of Lincoln; County of Haldimand except Townships of Moulton and Dunn, save and except non-working foremen and persons above the rank of non-working foreman." (13 employees in the unit).

20,593-60: United Steelworkers of America (Applicant) v. Beatty Bros. Limited (Fergus) (Respondent).

Unit: "all office, clerical and technical employees of the respondent at its head office and plant at Fergus, save and except supervisors, persons above the rank of supervisor, salesmen, head office accountants, purchasing agents, time study and methods men, and one secretary to each of the following: president, vice-president, comptroller and personnel manager." (129 employees in the unit)

(Unit agreed to by the parties).

20,600-60: International Union of Operating Engineers, Local 796 (Applicant) v. The Pedlar People Limited (Oshawa) (Respondent).

Unit: "all stationary engineers and persons primarily engaged as their helpers in the employ of the respondent in its boiler room at Oshawa, save and except chief engineer."
(4 employees in the unit).

20,604-60: Retail, Wholesale and Department Store Union, AFL: CIO: CLC (Applicant) v. The Consumers Co-Operative Society Limited (South Porcupine) (Respondent).

Unit: "all employees of the respondent at its retail store at South Porcupine, save and except store manager, persons above the rank of store manager, office staff and persons regularly employed for not more than 24 hours per week."
(6 employees in the unit).

The Board endorsed the Record in part as follows:

"For the purposes of clarity the Board declares that the fuel drivers are not included in the bargaining unit."

20,609-60: Sheet Metal Workers' International Association, Local Union 527 (Applicant) v. Lynco Heating Limited (Hamilton) (Respondent).

Unit: "all sheet metal workers, sheet metal apprentices and helpers in the employ of the respondent at Hamilton, save and except non-working foremen and persons above the rank of non-working foreman." (15 employees in the unit).

The Board endorsed the Record as follows:

"The description of the bargaining unit comprehends the employees classified by the company as furnace and ductwork installers, fabricators or ductwork for heating, experienced helpers and inexperienced helpers and labourers."

20,612-60: Lumber and Sawmill Workers' Union, Local 2995 of the United Brotherhood of Carpenters & Joiners of America, A.F.L.-C.I.O. (Applicant) v. Kokotow Lumber Limited (planing mill in Dack Township) (Respondent).

Unit: "all employees of the respondent at its planing mill in Dack Township, save and except foremen, persons above the rank of foreman and office staff." (9 employees in the unit).

20,630-60: International Chemical Workers Union, AFL-CIO.-CLC (Applicant) v. General Printing Ink Corporation of Canada Limited (in the Carlaw Plant of its Bensing Bros. & Deeney Division) (Respondent).

Unit: "all employees of the respondent in the Carlaw Plant of its Bensing Bros. & Deeney Division, save and except non-working foremen, persons above the rank of non-working foreman and office and sales staff." (4 employees in the unit).

20,605-60: Retail, Wholesale and Department Store Union, AFL: CIO:CLC (Applicant) v. Dominion Stores Limited (Streetsville) (Respondent).

Unit: "all employees of the respondent at its retail stores at Streetsville, save and except store manager, persons above the rank of store manager, office staff, persons regularly employed for not more than 24 hours per week and students hired for the school vacation period." (34 employees in the unit).

20,618-60: International Brotherhood of Electrical Workers (Applicant) v. The Electric Light and Water Commission of the Town of Gravenhurst (Respondent).

Unit: "all employees of the respondent save and except superintendent, persons above the rank of superintendent, office staff and casual employees." (5 employees in the unit).

20,666-60: Local Union No. 1678, International Brotherhood of Electrical Workers (A.F.L.-C.I.O.-C.L.C.) (Applicant) v. Napanee Public Utilities Commission (Hydro Department) (Respondent).

Unit: "all employees of the respondent in its Hydro Department, save and except foremen, persons above the rank of foreman, office staff and students hired for the school vacation period." (18 employees in the unit).

The Board endorsed the Record as follows:

"For the purposes of clarity the Board declares that the office cleaner is not included in the bargaining unit."

Certified Subsequent to Vote

19,481-59: General Truck Drivers' Union, Local 938 affiliated with the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America (Applicant) v. The Toronto-Peterborough Transport Company Limited (Peterborough terminal) (Respondent).

Unit: "all employees of the respondent employed at and working out of Peterborough terminal, save and except dispatchers and foremen, persons above the rank of dispatcher or foreman, office staff, persons regularly employed for not more than 24 hours per week and students hired for the school vacation period." (27 employees in the unit).

Number of names on eligibility list		27
Number of ballots cast	27	
Number of ballots segregated (not counted)	1	
Number of ballots marked in favour of applicant	16	
Number of ballots marked as opposed to applicant	10	

The Board endorsed the Record as follows:

"We are of opinion that the evidence presented by the respondent in support of its objections to the vote conducted by the Board in this matter on August 18, 1960 is insufficient to warrant a direction that a further vote be taken."

Board Members, H.F. Irwin and C.C. Young dissented and said:

"We dissent. We would have directed that another vote be taken."

20,262-60: Local 700, International Union of Operating Engineers (Applicant) v. La France Textiles Canada Limited (Woodstock) (Respondent) v. United Textile Workers of America, Local 138 (Intervener).

Unit: "all stationary engineers and persons primarily engaged as their helpers, employed in the boiler room of the respondent at Woodstock, save and except the chief engineer." (4 employees in the unit).

Number of names on eligibility list		4
Number of ballots cast	4	
Number of ballots marked in favour of applicant	4	
Number of ballots marked in favour of intervener	0	

19580-60: Retail, Wholesale and Department Store Union, AFL-CIO:CLC (Applicant) v. Hotel London Company Limited (London) (Respondent) v. International Union of Operating Engineers, Local No. 944, AFL-CIO (Intervener).

Unit: "all employees of the respondent at the Hotel London, London, who are presently bound by a collective agreement between the respondent and the London Hotel Employees' Association."
(143 employees in the unit).

The Board endorsed the Record as follows:

"Having regard to the history of bargaining in the respondent's establishment, the Board finds that all employees of the respondent at the Hotel London, at London, save and except department managers, persons above the rank of department manager, executive office and accounting office staff, inspectress in the housekeeping department, banquet captain, assistant bell captain, employees in the barber shop and in the beauty shop, persons regularly employed for not more than 24 hours per week and employees bound by a collective agreement between the respondent company and International Union of Operating Engineers Local 944, constitute a unit of employees of the respondent appropriate for collective bargaining.

For the purposes of clarity the Board declares that hostesses are included in the bargaining unit.

The Board notes the agreement of the parties that the front desk staff is included in the unit and that the persons excluded from the unit by the term "department manager" are: night manager, telephone supervisor, head housekeeper, head houseman, bell captain, maitre d', head chef, head store-keeper, steward, bar manager, and laundry superintendent.

Having regard to all the evidence in this case including the evidence of membership and the result of the representation vote conducted by the Board in the matter, wherein more than fifty per cent of the ballots of all those eligible to vote were cast in favour of the applicant, a certificate will issue to the applicant."

Number of names on revised eligibility list		133
Number of ballots cast	115	
Number of ballots segregated (not counted)	3	
Number of ballots spoiled	1	
Number of ballots marked in favour of applicant	77	
Number of ballots marked in favour of Hotel London Employees Association	34	

20,396-60: United Glass and Ceramic Workers of North America AFL-CIO, CLC (Applicant) v. National Sewer Pipe Limited (Clarkson Plant) (Respondent).

Unit: "all employees of the respondent at its Clarkson Plant, save and except foremen, persons above the rank of foreman, and office and sales staff."
(102 employees in the unit)

Number of names on revised eligibility list		97
Number of ballots cast	96	
Number of ballots segregated (not counted)	2	
Number of ballots marked in favour of applicant	65	
Number of ballots marked as opposed to applicant	29	

APPLICATIONS FOR CERTIFICATION DISMISSED DURING OCTOBER 1960

No Vote Conducted

19,938-60: International Hod Carriers', Building and Common Labourers' Union of America, Local Union 183 (Applicant) v. Star Construction Company Limited (Toronto) (Respondent).

Unit: "all construction labourers in the employ of the respondent at Metropolitan Toronto, save and except non-working foremen and persons above the rank of non-working foreman." (15 employees in the unit).

20,285-60: United Brotherhood of Carpenters and Joiners of America, Local Union 1456 (Applicant) v. Walter Killoran (City of Peterborough, town of Lindsay and the Counties in which said City and Town are situated) (Respondent).

The Board endorsed the Record as follows:

"The Board finds that the employees who the applicant seeks to represent are employees of Ideal Vacations Company Limited and not employees of the respondent herein."

20,290-60: The Canadian Union of Operating Engineers (Applicant) v. Wagmen Weinstock Investments Ltd. (Fashion Building 174 Spadina Ave. Toronto) (Respondent) v. International Union of Operating Engineers Local 796 (Intervener). (1 employee).

The Board endorsed the Record as follows:

"The Board finds that the respondent does not have more than one employee in the bargaining unit suggested by the applicant in this matter."

20,293-60: The Canadian Union of Operating Engineers (Applicant) v. Adelaide Peters Building Limited operating Commodore Bldg., A.M. Shiffer operating Balfour Bldg., Spadina Investments operating 174 Spadina, Superior Cloak Co. operating Superior Bldg., Wagman, Weinstock Investments Ltd. operating Fashion Bldg. (Respondents) v. International Union of Operating Engineers Local 796 (Intervener).

The Board endorsed the Record as follows:

"As individual applications for certification were filed in connection with each of the respondents named in this application and are presently being processed by the Board, this joint application is dismissed."

20,448-60: Local Union No. 786 of the International Association of Bridge, Structural & Ornamental Iron Workers, affiliated with the American Federation of Labour (Applicant) v. Newman Brothers Construction Co. (City of Sault Ste. Marie) (Respondent). (16 employees).

The Board endorsed the Record as follows:

"Although the applicant has requested leave to withdraw its application herein, the Board, following its usual practice in such cases, dismisses the application."

Applications for Certification Dismissed Subsequent to Vote

19,048-59: International Union of Operating Engineers, Local 796 (Applicant) v. Gibson Brothers Limited, agents for the Berkeley House, 360 Bay Street, Toronto (Respondent).

Unit: "all stationary engineers employed by the respondent at Berkeley House, 360 Bay Street, Toronto."
(4 employees in the unit).

Number of names on eligibility list		4
Number of ballots cast		4
Number of ballots marked in favour of applicant	0	
Number of ballots marked as opposed to applicant	4	

19,422-59: The International Brotherhood of Electrical Workers AFL-CIO-CLC (Applicant) v. Dominion Electric Protection Company (Toronto) (Respondent).

Unit: "all office employees of the respondent at Toronto, save and except salesmen, design engineers, assistant manager, persons above the rank of assistant manager, confidential secretaries to the president-general manager, and operation superintendent, and persons bound by a subsisting collective agreement."
(18 employees in the unit)

Number of names on eligibility list		18
Number of ballots cast	17	
Number of ballots marked in favour of applicant	4	
Number of ballots marked as opposed to applicant	13	

19,688-60: Milk Drivers and Dairy Employees Local Union No. 647, of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America (Applicant) v. The Orillia Creamery Company Limited (Orillia) (Respondent).

Unit: "all employees of the respondent at Orillia, save and except foremen, persons above the rank of foreman, office staff and persons regularly employed for not more than 24 hours per week." (12 employees in the unit).

(Unit agreed to by the parties)

Number of names on revised eligibility list		14
Number of ballots cast	14	
Number of ballots marked in favour of applicant	0	
Number of ballots marked as opposed to applicant	14	

19,910-60: District 50, United Mine Workers of America
(Applicant) v. New Method Dry Cleaners (Kingston plant)
(Respondent).

Unit: "all employees of the respondent at its plant in
Kingston, save and except plant foremen, persons above the
rank of plant foreman and persons regularly employed for not
more than twenty-four hours per week."
(14 employees in the unit).

The Board endorsed the Record in part as follows:

"For the purposes of clarity the Board
declares that branch office outlet clerks
are not plant employees and not included
in the bargaining unit."

Number of names on revised eligibility list		13
Number of ballots cast	13	
Number of ballots marked in favour of applicant	1	
Number of ballots marked as opposed to applicant	12	

20,405-60: United Textile Workers of America Local 157
(Applicant) v. Perth Knitting Mills Limited (Perth)
(Respondent).

Unit: "all employees of the respondent at Perth, save and
except foremen, persons above the rank of foreman, office
staff, and persons regularly employed for not more than 24
hours per week." (25 employees in the unit).

Number of names on revised eligibility list		24
Number of ballots cast	23	
Number of ballots marked in favour of applicant	11	
Number of ballots marked as opposed to applicant	12	

20,431-60: International Association of Machinists
(Applicant) v. Canadian Gypsum Company, Limited (Guelph plant)
(Respondent).

Unit: "all employees of the respondent at its Guelph Plant,
save and except foremen, persons above the rank of foreman
and office staff." (63 employees in the unit).

Number of names on revised eligibility list		59
Number of ballots cast	23	

20,449-60: International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers, Local 419, Warehousemen and Miscellaneous Drivers (Applicant) v. O'Brien Cartage Ltd. (Metropolitan Toronto) (Respondent).

Unit: "all employees of the respondent at Metropolitan Toronto, save and except foremen, persons above the rank of foreman, office staff, and persons regularly employed for not more than 24 hours per week."
(17 employees in the unit).

Number of names on eligibility list		17
Number of ballots cast	17	
Number of ballots marked in favour of applicant	7	
Number of ballots marked as opposed to applicant	10	

APPLICATIONS FOR CERTIFICATION WITHDRAWN DURING OCTOBER 1960

20,021-60: Laundry, Dry Cleaning and Dye House Workers, International Union Local 351 (Applicant) v. Canadian Linen Supply Company Limited (Toronto) (Respondent).

Unit: "all employees of the respondent at Toronto, save and except foremen, persons above the rank of foreman, office and sales staff, chief engineer, drivers and students hired for the school vacation period," (50 employees in the unit).

The Board endorsed the Record as follows:

"The Board revokes its decision of June 29, 1960 [directing that a representation vote be taken] in this matter and grants leave to the applicant to withdraw its application."

20,564-60: International Union of Operating Engineers, Local 796 (Applicant) v. Canada Glazed Paper Limited (Ajax) (Respondent). (5 employees).

20,571-60: International Union of Operating Engineers, Local 796 (Applicant) v. McWayne Walker Limited (St. Catharines) (Respondent). (8 employees).

20,585-60: General Truck Drivers, Local 879 International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers, A.F. of L. C.L.C. (Applicant) v. De Rose Ready-Mix Concrete Limited (Thorold) (Respondent). (5 employees).

20,671-60: United Brotherhood of Carpenters and Joiners of America, Local Union 93 (Applicant) v. Tolmar Construction Company Limited (Ottawa) (Respondent). (10 employees).

APPLICATIONS FOR DECLARATION TERMINATING BARGAINING RIGHTS

DISPOSED OF DURING OCTOBER 1960

20,534-60: Haig Printing and Office Supplies Limited (Toronto) (Applicant) v. Amalgamated Lithographers of America Local 12 (Respondent). (Granted). (8 employees).

(Re: Haig Printing and Office Supplies Limited,
Toronto, Ontario)

The Board endorsed the Record as follows:

"The union was certified on March 24, 1960 for all lithographers and their apprentices in the employ of the applicant company with certain exceptions not here material. Since that date, the evidence discloses that the union made no attempt whatsoever to bargain on behalf of the employees for whom it was the bargaining agent. Not only did the union not attempt to bargain on their behalf, but did not even give notice to bargain as they are required to do by section 10 of The Labour Relations Act. On this application under section 43 of the Act the union filed no reply and did not appear at the hearing. In these circumstances, the Board has no alternative but to declare that the respondent herein no longer represents the employees of Haig Printing and Office Supplies Limited for whom it was certified as bargaining agent on March 24th, 1960."

APPLICATIONS UNDER SECTION 68 OF ACT DISPOSED OF DURING

OCTOBER 1960

16453-58: The Municipality of Metropolitan Toronto (Applicant) v. The Toronto Municipal Employees' Association, Local Union No. 79 (Respondent). (Withdrawn).

APPLICATIONS FOR DECLARATION THAT STRIKE UNLAWFUL DISPOSED OF
DURING OCTOBER 1960

34-60-U: Zalev Brothers Limited (Applicant) v. G. Salice, A. Mariani, L. Nicoletti, V. Zacker, A. Carroccia, J. Flis, J. Wojtowicz, T. Kopek, B. Raducha, F. Beitler, P. Fuleki, L. Sholomiski, C. Carter, O. Schonwald, A. Maziak, T. Paonessa, Etienne Hanssens, and Donald Stafford (Township of Sandwich West) (Respondent). (Withdrawn).

APPLICATIONS FOR CONSENT TO PROSECUTE DISPOSED OF DURING
OCTOBER 1960

19,249-60: Wood, Wire and Metal Lathers International Union Local 97B, Toronto (Applicant) v. D. Naiberg (Toronto) (Respondent). (Withdrawn).

40-60-U: Zalev Brothers Limited (Township of Sandwich West) (Applicants) v. Hugh Keillor and Albert Atkins (Respondent) (Withdrawn).

41-60-U: Zalev Brothers Limited (Township of Sandwich West) (Applicants) v. G. Salice, A. Mariani, L. Nicoletti, V. Zacker, A. Carroccia, J. Flis, J. Wojtowicz, T. Kopek, B. Raducha, F. Beitler, P. Fuliko, L. Sholomiski, C. Carter, O. Schonwald, A. Maziak, T. Paonessa, Etienne Hanssens and Donald Stafford (Respondent). (Withdrawn).

SPECIAL ENDORSEMENTS IN CONCILIATION APPLICATIONS DISPOSED OF
DURING OCTOBER 1960

20,596-60: Pattern Makers of Hamilton and Vicinity (Applicant) v. Smart Turner Machine Co. Ltd. (Hamilton) (Respondent). (Referred).

The Board endorsed the Record as follows:

"In all the circumstances of this case the Board is of the opinion that the submission of the respondent with respect to there being only one employee in the bargaining unit at this time is not a bar to the application."

MONTHLY REPORT



ONTARIO LABOUR RELATIONS BOARD

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MONTHLY REPORT OF THE ONTARIO LABOUR RELATIONS BOARD

FOR THE MONTH OF NOVEMBER, 1960

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PART ONE

STATISTICAL TABLES

TABLE I
APPLICATIONS FILED WITH THE ONTARIO LABOUR RELATIONS BOARD

Type of Application	Number of Applications Filed		
	Nov. '60	1st 8 months of fiscal year '60-61	1st 8 months of fiscal year '59-60
I. Certification	57	495	553
II. Declaration Terminating Bargaining Rights	7	33	58
III. Declaration of Successor Status	-	5	7
IV. Conciliation Services	88	712	824
V. Determination under Section 68 of Act		5	6
VI. Consent to Early Termination of Agreement			
VII. Declaration that Strike Unlawful	2	19	20
VIII. Declaration that Lockout Unlawful	-	2	1
IX. Consent to Prosecute	6	71	69
X. Miscellaneous	1	2	
XI. Complaint of Unfair Practice in Employment (Section 57)	<u>6</u>	<u>8</u>	<u> </u>
TOTAL:	<u>167</u>	<u>1352</u>	<u>1538</u>

TABLE II
HEARINGS OF THE ONTARIO LABOUR RELATIONS BOARD

	Number		
	Nov. '60	1st 8 months of fiscal year '60-61	1st 8 months of fiscal year '59-60
Hearings and continuation of Hearings by the Board	73	591	800

TABLE III

APPLICATIONS DISPOSED OF BY THE ONTARIO LABOUR RELATIONS BOARD
BY MAJOR TYPES

Type of Application	Number of Appl'ns Disposed of		
	Nov. '60	1st 8 months of fiscal year 60-61	59-60
I. Certification	53	518	522
II. Declaration Terminating Bargaining Rights	6	38	56
III. Declaration of Successor Status*	2	9	7
IV. Conciliation Services	86	700	859
V. Determination under Section 68 of Act	1	6	5
VI. Consent to Early Termination of Agreement	-	1	.
VII. Declaration that Strike Unlawful	4	22	22
VIII. Declaration that Lock out Unlawful	-	1	4
IX. Consent to Prosecute	14	67	81
X. Miscellaneous	-	1	1
XI. Complaint of Unfair Labour Practice in Employment (Section 57)	2	2	.
TOTAL:	<u>168</u>	<u>1365</u>	<u>1557</u>

*This does not include cases in which the question of successor status arises as a collateral issue.

TABLE IV

APPLICATIONS DISPOSED OF BY THE ONTARIO LABOUR RELATIONS BOARD
BY TYPES AND BY DISPOSITION

Disposition	No Appl'ns Disposed of			*Employees		
	Nov. '60	1st 8 mos 60-61	fiscal yr. 59-60	Nov. '60	1st 8 mos 60-61	fiscal yr. 59-60
I Certification						
<u>Certified</u>						
CLC	25	289	310	631	8088	7200
Other	<u>15</u>	<u>64</u>	<u>49</u>	<u>407</u>	<u>1434</u>	<u>965</u>
Total	40	353	359	1038	9522	8165
<u>Dismissed</u>						
CLC	6	82	90	256	3136	5440
Other	<u>2</u>	<u>26</u>	<u>24</u>	<u>6</u>	<u>781</u>	<u>1106</u>
Total	8	108	114	262	3917	6546
<u>Withdrawn</u>						
CLC	5	46	37	96	858	711
Other	<u>—</u>	<u>11</u>	<u>12</u>	<u>—</u>	<u>141</u>	<u>266</u>
Total	5	57	49	96	999	977
TOTAL:	<u>53</u>	<u>518</u>	<u>522</u>	<u>1396</u>	<u>14438</u>	<u>15688</u>
Certification Applications Disposed of						

*These figures refer to the number of employees directly affected, and are based on the number of employees in the bargaining units at the time the applications for certification were filed with the Board. Totals for applications dismissed and withdrawn are approximate.

275-APPLICATIONS DISPOSED OF BY BOARD
(continued)

Disposition	No Appl'ns Disposed of			*Employees		
	Nov. '60	1st 8 mos 60-61	fiscal yr 59-60	Nov. '60	1st 8 mos 60-61	fiscal yr 59-60

II. Termination
Bargaining Rights

Terminated

CLC	2	15	25	24	330	781
Other	<u>-</u>	<u>4</u>	<u>4</u>	<u>-</u>	<u>121</u>	<u>39</u>
Total	2	19	29	24	451	820

Dismissed

CLC	1	10	23	22	357	649
Other	<u>-</u>	<u>1</u>	<u>2</u>	<u>-</u>	<u>17</u>	<u>11</u>
Total	1	11	25	22	374	660

Withdrawn

CLC	3	7	1	82	462	34
Other	<u>-</u>	<u>1</u>	<u>1</u>	<u>-</u>	<u>13</u>	<u>104</u>
Total	3	8	2	82	475	138

TOTAL:	<u>6</u>	<u>38</u>	<u>56</u>	<u>128</u>	<u>1300</u>	<u>1618</u>
Termination Applications Disposed of						

*These figures refer to the number of employees directly affected, and are based on the number of employees in the bargaining units at the time the applications were filed with the Board. Totals for termination applications dismissed and withdrawn are approximate.

276- APPLICATIONS DISPOSED OF BY BOARD
(continued)

Disposition	Number of Appl'ns Disposed of		
	Nov. '60	1st 8 months of fiscal year 60 61	59 60

III Successor Status

Granted	2	7	7
Dismissed		1	
Withdrawn	<u>1</u>	<u>1</u>	<u>1</u>
Total	<u>2</u>	<u>9</u>	<u>7</u>

IV. Conciliation Services*

Referred

CLC	60	513	652
Other	<u>21</u>	<u>144</u>	<u>119</u>
Total	81	657	771

Dismissed

CLC	1	10	33
Other	<u>1</u>	<u>4</u>	<u>2</u>
Total	2	14	35

Withdrawn

CLC	1	17	50
Other	<u>2</u>	<u>12</u>	<u>3</u>
Total	3	29	53

TOTAL:	<u>86</u>	<u>700</u>	<u>859</u>
Conciliation Applications Disposed of			

*Includes applications for conciliation services re unions claiming successor status.

277 - APPLICATIONS DISPOSED OF BY BOARD
(continued)

Disposition	Number of Appl'ns Disposed of		
	Nov. '60	1st 8 months 60-61	of fiscal year 59 60

V Determination under
Section 68

Granted	-	1	1
Dismissed	1	2	1
Withdrawn	<u> </u>	<u>3</u>	<u>3</u>
Total	<u>1</u>	<u>6</u>	<u>5</u>

VI. Consent to Early
Termination of
Agreement

Granted	-	1	
Dismissed	-	-	-
Withdrawn	<u> </u>	<u> </u>	<u> </u>
Total	<u> </u>	<u>1</u>	<u> </u>

VII Declaration that
Strike Unlawful

Granted	2	4	2
Dismissed	-	1	2
Withdrawn	<u>2</u>	<u>17</u>	<u>18</u>
Total	<u>4</u>	<u>22</u>	<u>22</u>

- 278 - APPLICATIONS DISPOSED OF BY
BOARD (continued)

Disposition	Number of Appl's Disposed of		
	Nov '60	1st 8 months of fiscal year 60-61	59 60

VIII. Declaration that
Lockout Unlawful

Granted	.	1	1
Dismissed	-	-	.
Withdrawn	<u>.</u>	<u>-</u>	<u>3</u>
Total	<u>.</u>	<u>1</u>	<u>4</u>

IX. Consent to
Prosecute

Granted	6	20	25
Dismissed	-	2	9
Withdrawn	<u>8</u>	<u>45</u>	<u>47</u>
Total	<u>14</u>	<u>67</u>	<u>81</u>

X. Miscellaneous*

Granted	-	1	-
Dismissed			1
Withdrawn	<u>-</u>	<u>-</u>	<u>-</u>
Total	<u>.</u>	<u>1</u>	<u>1</u>

*See Case Listings for details.

TABLE V

REPRESENTATION VOTES IN CERTIFICATION APPLICATIONS DISPOSED
OF BY THE BOARD

Disposition	Number of Votes		
	Nov. '60	1st 8 months of fiscal year 60-61	59-60
<hr/>			
(1)			
<u>Certification After Vote</u>			
<u>Ballot Choice</u>			
Yes-No	1	21	16
Choice between			
2 unions	3	14	19
Other	1	1	-
<u>Total Certified</u>	5	36	35
<u>Dismissed After Vote</u>			
<u>Ballot Choice</u>			
Yes-No	-	42	40
Choice between			
2 unions	1	8	13
Other	-	-	-
<u>Total Dismissed</u>	<u>1</u>	<u>50</u>	<u>53</u>
GRAND TOTAL:	<u>6</u>	<u>86</u>	<u>88</u>
Certification Appl'ns			
Disposed of after vote			

(1) See Explanatory Notes, April 1960 Report, Page 3

TABLE VI

REPRESENTATION VOTES IN TERMINATION APPLICATIONS DISPOSED
OF BY THE BOARD

Disposition	Nov '60	<u>1st 8 months of fiscal year</u>	
		<u>60 61</u>	<u>59 60</u>
<u>Respondent Union Successful*</u>			
CLC		2	3
Other	-	3	
Total		5	3
<u>Respondent Union Unsuccessful</u>			
CLC	1	5	17
Other	-	3	4
Total		<u>1</u>	<u>8</u>
GRAND TOTAL:		<u>1</u>	<u>21</u>
Termination Appl'ns		<u>13</u>	<u>24</u>
Disposed of after vote			

*In termination proceedings where a vote is taken, the applicant is a group of employees, or the employer; the incumbent union is thus the respondent.

PART TWO

CASE LISTINGS

APPLICATIONS DISPOSED OF BY THE ONTARIO LABOUR RELATIONS

BOARD DURING NOVEMBER, 1960.

Bargaining Agents Certified During November
No Vote Conducted

3-60-R: Hotel & Restaurant Employees & Bartenders' International Union, A.F.L. C.I.O. C.L.C. Restaurant Cafeteria & Tavern Employees Union, Local 254 (Applicant) v. Canadian Food Products Sales Limited (Strachan Avenue, Toronto) (Respondent).

Unit: "all employees of the Industrial Food Services Division of the respondent at the John Inglis (English Electric) Company Limited plant at Strachan Avenue, Toronto, save and except assistant manager, persons above the rank of assistant manager, and office staff." (11 employees in the unit).

4-60-R: International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers, Local 419, Warehousemen and Miscellaneous Drivers (Applicant) v. National Sea Products Limited (White's Fish Company Division at Toronto) (Respondent).

Unit: "all employees of the respondent at its White's Fish Company Division at Toronto, save and except foremen, persons above the rank of foreman and office and sales staff." (19 employees in the unit).

5-60-R: Sheet Metal Workers' International Association, Local Union 397 (Applicant) v. Rondeau Sheet Metal, Heating & Roofing (Fort William) (Respondent).

Unit: "all employees of the respondent employed at and working out of Fort William, engaged in the application of roofing material (other than wood shingles and metal) save and except non-working foremen and persons above the rank of non-working foreman, office staff and persons covered by subsisting collective agreements." (6 employees in the unit).

6-60-R: International Union of United Brewery, Flour, Cereal, Soft Drink & Distillery Workers of America, AFL-CIO-CLC (Applicant) v. Brewers' Warehousing Company Limited (Milton and Streetsville) (Respondent).

Unit: "all employees of the respondent at its warehouses and retail stores at Milton and Streetsville, save and except manager or foreman, and persons above the rank of manager or foreman, and office staff." (2 employees in the unit).

8-60-R: International Union United Automobile, Aircraft Agricultural Implement Workers of America (UAW-AFL-CIO) (Applicant) v. General Motors Products of Canada Ltd. (London) (Respondent).

Unit: "all employees of the respondent at its warehouse at London, save and except foremen, persons above the rank of foreman and office staff." (18 employees in the unit).

9-60-R: Textile Workers Union of America, CLC (Applicant) v. Midland Industries Limited (Midland) (Respondent).

Unit: "all employees of the respondent in its Midland Footwear Division at Midland, save and except foremen or foreladies, persons above the rank of foreman or forelady, persons engaged in shoe designing, office and sales staff, security guards, persons regularly employed for not more than 24 hours per week and homeworkers." (138 employees in the unit).

18-60-R: Teamsters, Chauffeurs, Warehousemen and Helpers, Local Union No. 880 affiliated with International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America (Applicant) v. Can-Man Industries Limited (at its Western Tire & Auto Supply Company Division at London) (Respondent).

Unit: "all employees of the respondent in the warehouses at its Western Tire & Auto Supply Company Division at London, save and except foremen, persons above the rank of foreman, and office staff." (34 employees in the unit).

The Board endorsed the Record as follows:

"For the purposes of clarity the Board declares that the bargaining unit comprises the employees of the respondent at three warehouses located at 89-96 King Street and the rear of 96 King Street, 146 York Street and 310 Talbot Street in London, and that the employees of the respondent at its service shops at 93 King Street and at its retail store at 117 King Street in London, are not included in the bargaining unit."

51-60-R: International Chemical Workers Union, A.F. of L. C.I.O. C.L.C. (Applicant) v. Bermico Products Limited (at its Beach Road Plant at Hamilton) (Respondent).

Unit: "all employees of the respondent at its Beach Road Plant at Hamilton, save and except foremen, persons above the rank of foreman, laboratory supervisors, professional, office and sales staff." (24 employees in the unit).

52-60= R: National Union of Public Service Employees
(Applicant) v. "Hillsdale Manor" Home for the Aged (Oshawa)
(Respondent).

Unit: "all employees of the respondent at Oshawa, save and except department heads, persons above the rank of department head, office staff, persons regularly employed for not more than 24 hours per week and registered nurses."
(48 employees in the unit).

54-60-R: National Union of Public Service Employees (Applicant)
v. Gravenhurst Board of Education (Janitorial and Maintenance Staff) (Respondent).

Unit: "all janitorial and maintenance employees of the respondent, save and except supervisors, persons above the rank of supervisor, office staff and persons regularly employed for not more than 24 hours per week." (4 employees in the unit).

72-60-R: The Canadian Union of Operating Engineers (Applicant)
v. Havergal College (Metropolitan Toronto) (Respondent).

Unit: "all stationary engineers and persons primarily engaged as their helpers employed in the boiler room of the respondent at Metropolitan Toronto, save and except the chief engineer."
(4 employees in the unit).

83-60-R: General Truck Drivers, Local 879 International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers (Applicant) v. Aquasoft Service Limited (Kitchener) (Respondent).

Unit: "all employees of the respondent at Kitchener, save and except foremen, persons above the rank of foreman and office staff." (3 employees in the unit).

96-60-R: Sportswear Local 199, International Ladies Garment Workers Union (Applicant) v. Cole of California (Canada) Ltd. (Oshawa) (Respondent).

Unit: "all employees of the respondent at Oshawa, save and except foremen, foreladies, persons above the rank of foreman or forelady, office and sales staff and designers."
(33 employees in the unit).

The Board endorsed the Record in part as follows:

"For the purposes of clarity the Board declares that the janitor who is regularly employed for not more than 24 hours per week is not included in the bargaining unit."

105-60-R: International Woodworkers of America (Applicant)
v. Carlaw's Woodenware Ltd. (Paisley) (Respondent).

Unit: "all employees of the respondent at Paisley, save and except foremen, persons above the rank of foreman, and office staff." (23 employees in the unit).

112-60-R: United Rubber, Cork, Linoleum and Plastic Workers of America, AFL-CIO-CLC Local 620 (Applicant) v. B.F. Goodrich Canada Limited (Retread Plant, Metropolitan Toronto) (Respondent).

Unit: "all employees of the respondent at its retread plant at Metropolitan Toronto, save and except foremen, persons above the rank of foreman and office staff."
(16 employees in the unit).

113-60-R: United Steelworkers of America (Applicant) v. WinterSeal of Canada Limited (Metropolitan Toronto) (Respondent).

Unit: "all employees of the respondent at Metropolitan Toronto, save and except foremen, persons above the rank of foreman, and office staff." (90 employees in the unit).

20,205-60: Lumber and Sawmill Workers' Union, Local 2995 of the United Brotherhood of Carpenters and Joiners of America, A.F.L.-C.I.O. (Applicant) v. Alex Saley (bush operations in Benoit Township and in the townships immediately adjacent thereto) (Respondent).

Unit: "all employees of the respondent in its bush operations in Benoit Township and in the townships immediately adjacent thereto, save and except foremen, persons above the rank of foreman, office staff, scalers and tallymen."
(26 employees in the unit).

20,430-60: International Association of Machinists (Applicant) v. Plastic Contact Lens Company (Canada) Ltd. (Toronto) (Respondent).

Unit: "all employees of the respondent at Toronto, save and except foremen, persons above the rank of foreman, office staff and students employed for the school vacation period."
(20 employees in the unit).

Board Member H.F. Irwin dissented and said:

"I dissent. I would have directed that a representation vote be held."

20,560-60: International Union, United Automobile Aircraft and Agricultural Implement Workers of America (UAW) (Applicant) v. DeVilbiss (Canada) Limited (Barrie) (Respondent).

Unit: "all employees of the respondent at Barrie, save and except foremen, persons above the rank of foreman, office and sales staff, cafeteria employees, security guards, students hired for the school vacation period and persons regularly employed for not more than 24 hours per week."
(47 employees in the unit)

The Board endorsed the Record as follows:

"It is clearly established by the evidence that, except in the case of one signature, all three documents filed with the Board, as indicating opposition by employees to the applicant's application for certification, were signed in blank. It was not until sometime after the persons signed the documents that a preamble was typed or written at the top of them indicating opposition to the applicant being certified as bargaining agent. Having regard to all the circumstances of this case, the Board is not prepared to draw any inference from these documents as to what was the intention of the persons who signed them before the preamble was placed on them (See Ever-Bright Limited (Metropolitan Toronto), C.L.S. 76-528). The Board does not, therefore, consider that the documentary evidence filed by the objectors weakens the applicant's evidence of membership so as to require the confirmatory evidence of a representation vote."

20,567-60: General Truck Drivers, Local 879 International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers, CLC (Applicant) v. King Paving Company Limited (Oakville and Cooksville) (Respondent).

Unit: "all maintenance men, mechanics, truck drivers, and yard men, employed at or working out of Oakville and Cooksville, save and except foremen, persons above the rank of foreman and office staff." (28 employees in the unit).

20,606-60: The Textile Workers Union of America, C.L.C. (Applicant) v. Toronto Feather and Down Limited (Toronto) (Respondent).

Unit: "all employees of the respondent at Toronto, save and except foremen, foreladies, persons above the rank of foreman or forelady and office staff." (64 employees in the unit).

20,628-60: Canadian Construction Workers' Union, Division No. 1, N.C.C.L. (Applicant) v. Allied Building Supply (Ottawa) Limited (Napean Township) (Respondent).

Unit: "all employees of the respondent in Napean Township, save and except foremen, persons above the rank of foreman and office staff." (108 employees in the unit).

20,657-60: International Union of Mine, Mill and Smelter Workers (Canada) (Applicant) v. Deer Horn Mines Limited (Cobalt District) (Respondent).

Unit: "all employees of the respondent at its mine and mill in Cobalt District, save and except shift bosses, foremen, persons above the rank of shift boss or foreman, and office staff." (50 employees in the unit).

The Board endorsed the Record as follows:

"There was filed with the Board three documents in opposition to the application. One of the documents was sent in by an employee who appeared at the hearing conducted by the Board. The other two documents were sent in by another employee who did not appear at the hearing. The Board sent to each of these employees its usual letter informing them that the documents would not be considered unless a representative appeared at the hearing who would be able to testify or produce a witness or witnesses who would be able to testify from his or their personal knowledge as to (i) the circumstances surrounding the origination of the material filed and (ii) the manner in which the signatures were obtained. The employee who appeared at the hearing met the Board's requirements in connection with the document that he sent in to the Board, but had no personal knowledge with respect to the other two documents filed. Thus, with respect to the other two documents, the Board has no evidence of the circumstances surrounding their origination or the manner in which the signatures on them were obtained. It is true that the employee who appeared at the hearing filed an affidavit by a person stating that he saw the mine employees sign their names on the document submitted by the other employee. However, even if the Board were to accept this affidavit evidence (and it is not the Board's practice to do so) it does not meet the Board's requirements with respect to origination or manner of circulation.

It was pointed out at the hearing that the document filed by the employee who appeared at the hearing did not have sufficient overlaps to affect the membership position of the applicant, even if it were given full weight."

20,670-60: Milk Drivers and Dairy Employees Local Union No. 647 (Applicant) v. Cunninghams Bakery Limited (Gananoque) (Respondent).

Unit: "all driver salesmen and special delivery men in the employ of the respondent at Gananoque, save and except supervisors, persons above the rank of supervisor, and office staff." (9 employees in the unit).

20,676-60: International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers, Local 419, Warehousemen and Miscellaneous Drivers (Applicant) v. Heintzman and Company, Limited (Toronto) (Respondent).

Unit: "all employees of the respondent at its plant at Toronto, save and except foremen, persons above the rank of foreman, office staff and persons regularly employed for not more than 24 hours per week." (85 employees in the unit).

The Board endorsed the Record as follows:

"The Board notes the agreement of the parties that the stockkeeper and draftsmen are not included in the bargaining unit."

For the purposes of clarity the Board declares that the jig maker is included in the bargaining unit."

20,678-60: International Association of Machinists (AFL-CIO-CLC) (Applicant) v. Bentein Bros. Ltd. (Sarnia) (Respondent).

Unit: "all employees of the respondent at Sarnia, save and except foremen, persons above the rank of foreman and office and sales staff." (5 employees in the unit).

20,679-60: International Association of Machinists (AFL - CIO - CLC) (Applicant) v. Davies Motors Limited (Point Edward) (Respondent).

Unit: "all employees of the respondent at Point Edward, save and except foremen, persons above the rank of foreman and office and sales staff." (5 employees in the unit).

20,681-60: International Association of Machinists (AFL-CIO-CLC) (Applicant) v. Koehler Motors Limited (Sarnia) (Respondent).

Unit: "all employees of the respondent at Sarnia, save and except foremen, persons above the rank of foreman, office staff, and car and truck salesmen." (7 employees in the unit).

The Board endorsed the Record as follows:

"For the purposes of clarity the Board declares that the parts manager is not included in the bargaining unit but that the parts clerk is included in the bargaining unit."

20,682-60: International Association of Machinists (AFL-CIO-CLC) (Applicant) v. The Lambton Motors Limited (Sarnia) (Respondent).

Unit: "all employees of the respondent at Sarnia, save and except foremen, persons above the rank of foreman, office staff and car and truck salesmen." (13 employees in the unit).

The Board endorsed the Record as follows:

"For the purposes of clarity the Board declares that the parts manager, sales manager, and service manager are above the rank of foreman and are not included in the bargaining unit but that the parts clerks are included in the bargaining unit."

20,683-60: International Association of Machinists (AFL-CIO-CLC) (Applicant) v. Malcolm Holden Service Stations (Sarnia) (Respondent).

Unit: "all employees of the respondent at Sarnia, save and except foremen, persons above the rank of foreman and office staff." (7 employees in the unit).

The Board endorsed the Record as follows:

"For the purposes of clarity the Board declares that the service manager - mechanics are included in the bargaining unit but that Robert L'Heureux, part-time attendant, is not included in the bargaining unit."

20,684-60: International Association of Machinists (AFL-CIO-CLC) (Applicant) v. Manley Mott & Sons Service Centre (service centre at Sarnia) (Respondent).

Unit: "all employees of the respondent at its service centre at Sarnia, save and except office staff."
(4 employees in the unit).

The Board endorsed the Record as follows:

"For the purposes of clarity the Board declares that the respondent and his two sons are not included in the bargaining unit and that the employees at the service station are not included in the bargaining unit."

20,689-60: The Canadian Union of Operating Engineers (Applicant) v. Toronto Abattoirs Limited (Toronto) (Respondent).

Unit: "all stationary engineers and persons primarily engaged as their helpers employed in the boiler room of the respondent at Toronto, save and except the chief engineer."
(9 employees in the unit).

20,691-60: United Brotherhood of Carpenters and Joiners of America, Local Union 2480 (Applicant) v. Melcrete Construction Company Limited (on its Stayner District Collegiate Institute Project) (Respondent).

Unit: "all carpenters and carpenters' apprentices in the employ of the respondent on its Stayner District Collegiate Institute Project, save and except non-working foremen, and persons above the rank of non-working foreman."
(8 employees in the unit).

20,700-60: Bricklayers Masons and Plasterers Local Union No. 20 (Applicant) v. Nick Ryschkow (County of Durham, and in the Townships of Whitby, Reach, Brock, Uxbridge and Scott in the County of Ontario, and in the Townships of Haldimand, Hamilton and Ainswick in the County of Northumberland) (Respondent).

Unit: "all bricklayers and their apprentices in the employ of the respondent in the County of Durham, and in the Townships of Whitby, Reach, Brock, Uxbridge and Scott in the County of Ontario, and in the Townships of Haldimand, Hamilton and Ainswick in the County of Northumberland, save and except non-working foremen and persons above the rank of non-working foreman." (5 employees in the unit)

20,703-60: International Hod Carriers' Building & Common Laborers' Union of America Local 1081 (Applicant) v. Dunker Construction Limited (Orangeville) (Respondent).

Unit: "all construction labourers of the respondent at Orangeville, save and except non-working foremen and persons above the rank of non-working foreman."
(9 employees in the unit).

CERTIFIED SUBSEQUENT TO VOTE

20,117-60: The Canadian Union of Operating Engineers (Applicant) v. The Metropolitan Toronto Housing Authority (South Regent Park Project) (Respondent) v. National Union of Public Employees, C.L.C. (Intervener) v. International Union of Operating Engineers, Local 796 (Intervener).

Unit: "all stationary engineers and their helpers employed in the boiler room of the respondent at its South Regent Park Project, save and except the chief operating engineer."
(5 employees in the unit).

The Board endorsed the Record as follows:

"Having regard to the history of bargaining in this operation, the Board finds that all stationary engineers and their helpers employed in the boiler room of the respondent at its South Regent Park Project, save and except the chief operating engineer, constitute a unit of employees of the respondent appropriate for collective bargaining.

For the purposes of clarity the Board notes that the word "helper" shall mean "an employee who works fifty per cent of his time in the boiler room assisting stationary engineers, and which time is recognized under the provision of The Operating Engineers' Act, 1953, as qualifying time for a fourth class certificate."

Board Member G.R. Harvey dissented and said:

"For the reasons given in The Municipality of Metropolitan Toronto Case, I dissent. I would have dismissed the application of the applicant."

Number of names on revised eligibility list		4
Number of ballots cast	4	
Number of ballots marked in favour of applicant	4	
Number of ballots marked in favour of intervener (1)	0	
Number of ballots marked in favour of intervener (2)	0	

20,199-60: The Canadian Union of Operating Engineers (Applicant) v. Lord Simcoe Hotel (Toronto) (Respondent) v. International Union of Operating Engineers, Local 796 (Intervener).

Unit: "all stationary engineers in the employ of the respondent at Toronto." (5 employees in the unit).

Number of names on eligibility list		5
Number of ballots cast	5	
Number of ballots marked in favour of applicant	4	
Number of ballots marked in favour of intervener	1	

20,406-60: General Truck Drivers, Local 879, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers (Applicant) v. Wells Transport Limited (Dunnville) (Respondent).

Unit: "all employees of the respondent at Dunnville, save and except foremen, persons above the rank of foreman and office and sales staff." (8 employees in the unit).

Number of names on eligibility list		8
Number of ballots cast	8	
Number of ballots marked in favour of applicant	5	
Number of ballots marked as opposed to applicant	3	

20,512-60: The Canadian Union of Operating Engineers (Applicant) v. Imperial Tobacco Company (Ontario) Limited (Guelph plant) (Respondent) v. Tobacco Workers International Union, Local 323 (Intervener).

Unit: "all stationary engineers and persons primarily engaged as their helpers employed in the power house of the respondent at its Guelph plant, save and except the chief engineer." (8 employees in the unit).

The Board endorsed the Record as follows:

"The Board notes the agreement of the parties that the stationary engineers operate the air compressors, refrigeration compressors, and air conditioning equipment."

Number of names on revised eligibility list		4
Number of ballots cast	4	
Number of ballots marked in favour of applicant	4	
Number of ballots marked in favour of intervener	0	

20,629-60: International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers, Local 419, Warehousemen and Miscellaneous Drivers (Applicant) v. Lewis Brothers Hardware Limited (Metropolitan Toronto) (Respondent).

Unit: "all employees of the respondent at Metropolitan Toronto, save and except foremen, persons above the rank of foreman, office staff and territorial salesmen."
(34 employees in the unit).

Number of names on revised eligibility list		30
Number of ballots cast	29	
Number of ballots marked in favour of applicant	28	
Number of ballots marked in favour of intervener	1	

APPLICATIONS FOR CERTIFICATION DISMISSED DURING NOVEMBER 1960

No Vote Conducted

53-60-R: National Union of Public Service Employees (Applicant) v. Corporation of the Town of Gravenhurst (Respondent). (5 employees).

The Board endorsed the Record as follows:

"The Board finds that the respondent is a municipality as defined in the Department of Municipal Affairs Act and that it has declared under section 78 of The Labour Relations Act that that Act shall not apply to it in its relations with its employees or any of them. In view of the action of the respondent in making such a declaration, the Board has no jurisdiction to process this application further and the proceeding is accordingly terminated."

73-60-R: Canadian Transportation Workers' Union No. 162
N.C.C.L. (Applicant) v. Spicknell Transport Ltd. (London)
(Respondent) v. Teamsters, Chauffeurs, Warehousemen and
Helpers, Local Union 880 (Intervener). (4 employees).

The Board endorsed the Record as follows:

"Having regard to the fact that the applicant has not filed forms 8 and 9 even up to the date of the hearing and also to the fact that it was admitted by the applicant that these forms had not been mailed to the Board, this application is dismissed."

131-60-R: International Union, United Automobile Aircraft
and Agricultural Implement Workers of America (UAW)
(Applicant) v. Universal Cooler Company Limited (Barrie)
(Respondent). (110 employees).

The Board endorsed the Record as follows:

"For the reasons given orally at the hearing this application is dismissed."

19,243-60: Lumber & Sawmill Workers Union, Local 2537 of
the United Brotherhood of Carpenters and Joiners of America
(Applicant) v. W.B. Plaunt and Son Limited (Mill and woods
operations on the limits of the K.V.P. Company operations
in the Sauble River area in the District of Sudbury)
(Respondent).

20,126-60: International Hod Carriers' Building and Common
Labourers' Union of America, Local 527 (A.F.L.-C.I.O.)
(C.L.C.) (Applicant) v. Laurentian Concrete Forms Ltd.
(Ottawa) (Respondent). (54 employees).

The Board endorsed the Record as follows:

"On September 27, 1960, the Board conducted a hearing for the purpose of investigating allegations of non-payment of initiation fees by two employees for whom the applicant submitted application cards and receipts purporting to evidence payment of such fees. Having regard to the evidence adduced at the hearing and in accordance with its practices in such cases, the Board is not prepared to give weight to any of the evidence of membership submitted by the applicant. This application is therefore dismissed."

20,458-60: United Steelworkers of America (Applicant) v. E.J. Wright Utilities Limited (Strathroy) (Respondent) (5 employees).

20,661-60: Retail, Wholesale and Department Store Union, AFL:CIO:CLC (Applicant) v. J. Logan Kerr (Timmins) (Respondent). (5 employees).

The Board endorsed the Record as follows:

"Although the applicant has requested leave of the Board to withdraw its application herein, the Board, following its usual practice in such cases, dismisses the application. The attention of the parties if directed to the Hydro Electric Commission of Hamilton Case Canadian Labour Law Reporter 16120, CLS 76-617."

APPLICATIONS FOR CERTIFICATION DISMISSED SUBSEQUENT TO VOTE

20,292-60: The Canadian Union of Operating Engineers (Applicant) v. Poslun Bros. (Toronto) (Respondent) v. International Union of Operating Engineers, Local 796 (Intervener).

Unit: "all stationary engineers and persons primarily engaged as their helpers in the employ of the respondent at the Superior Building, 110 Spadina Avenue, Toronto." (2 employees).

Number of names on eligibility list		2
Number of ballots cast	2	
Number of ballots marked in favour of applicant	1	
Number of ballots marked in favour of intervener	1	

APPLICATIONS FOR CERTIFICATION WITHDRAWN DURING NOVEMBER 1960

16-60-R: International Association of Bridge, Structural and Ornamental Iron Workers, Local 756 (Applicant) v. Pentagon Construction Company Limited (new Brockville Chemical Plant, Township of Augusta) (Respondent). (12 employees).

91-60-R: General Truck Drivers, Local 879, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers (Applicant) v. Cronkwright Transport Limited (Simcoe depot) (Respondent). (26 employees).

20,303-60: United Textile Workers of America, Local 354
(Applicant) v. Silknit Limited (Hespeler) (Respondent).
(44 employees).

20,696-60: United Steelworkers of America (Applicant) v.
Linread Canada Limited (Guelph plant) (Respondent) (8 employees).

20,702-60: Canadian Brotherhood of Railway, Transport and
General Workers (Applicant) v. Drummond Transit Limited
(Toronto) (Respondent). (6 employees).

APPLICATIONS FOR DECLARATION TERMINATING BARGAINING RIGHTS

DISPOSED OF DURING NOVEMBER 1960

56-60-R: The Employees' Organization (Canadian) John Heney
& Son Ltd. (Applicant) v. Retail, Wholesale and Department
Store Union, AFL:CIO:CLC (Respondent) v. John Heney & Son Ltd.
(Intervener). (Withdrawn) (30 employees).

(Re: John Heney & Son Ltd.,
Ottawa)

134-60-R: Harold Hoffman and Charles Miller carrying on
business under the firm name and style of Humber Public House
(Township of Etobicoke) (Applicant) v. Local 280 of the Hotel
& Restaurant Employees' & Bartenders' International Union
(Respondent) (Granted) (4 employees).

(Re: Humber Public House
Township of Etobicoke)

The Board endorsed the Record as follows:

"On the basis of the evidence adduced at the
hearing and having regard to the representations
of the parties, the Board declares that the res-
pondent trade union no longer represents the
employees in the bargaining unit."

160-60-R: The Employees of Rosedale Plastics Intern.,
(Applicant) v. Local 561 United Rubber, Cork, Linoleum and
Rosedale Plastic Workers of America (Respondent) (Withdrawn)
(45 employees).

(Re: Rosedale Plastics International Limited
Lindsay)

20,438-60: Harvey Gavin (Applicant) v. International Wood-
workers of America (Respondent) v. Birchland Veneer Limited
(Intervener). (Dismissed) (22 employees).

(Re: Birchland Veneer Limited,
Thessalon, Ontario)

The Board endorsed the Record as follows:

"For the reasons given in writing
this application is dismissed."

20,535-60: Haig Printing and Office Supplies Limited,
(Applicant) v. International Brotherhood of Bookbinders
(Respondent). (20 employees).

(Re: Haig Printing and Office Supplies Limited
Scarborough)

The Board endorsed the Record in part as follows:

"In this case the respondent union was certified on April 6, 1960 for all plant employees of the applicant company with certain exceptions not here material. The union gave notice to bargain on April 18. The company did not reply to this notice, the explanation given being that the manager was away. On May 20th, the union applied for conciliation services. Following this date, the manager returned and meetings were arranged for May 30 and June 3. No bargaining took place at these meetings, because on the first occasion the union appeared without a bargaining committee consisting of employees of the company, and on the second occasion the union failed to appear. On May 31, the company filed its reply to the application for conciliation services and subsequently the Board directed the parties to meet and bargain in good faith and report back to the Board. A meeting was called for July 14, and again the union turned up without a bargaining committee consisting of employees and so no bargaining took place. The application for conciliation services was subsequently listed for hearing on August 2. Some days prior to the actual hearing, the union informed the Board that at the hearing it would seek relief under section 12, sub-section 3 of The Labour Relations Act. Following the hearing, the Board adjourned the case sine die, the union being given the opportunity to meet with a properly constituted bargaining committee or, in the alternative, making another application under section 12, sub-section 3. After the meeting of July 14 the union made no further attempt to set up another meeting and, in addition, after August 2nd, made no further application under section 12, subsection 3.

On September 16, the company filed the present application for termination of bargaining rights under section 43 of The Labour Relations Act. The union filed a reply and appeared at the hearing. The union took the position that it would agree to a representation vote, although it was opposed to outright termination as requested by the company.

In all of the circumstances of this case we are of opinion that a representation vote should be directed."

Number of names on eligibility list		15
Number of ballots cast	14	
Number of ballots marked in favour of the Respondent	0	
Number of ballots marked as opposed to the Respondent	14	

20,595-60: Employees of Pearson & Justice Limited (Dryden) (Applicant) v. The United Brotherhood of Carpenters and Joiners of America, Local Union 1669 (Respondent). (Withdrawn) (7 employees).

(Re: Pearson & Justice Limited,
Dryden, Ontario)

APPLICATIONS FOR DECLARATION CONCERNING SUCCESSOR TRADE UNION

DISPOSED OF DURING NOVEMBER 1960

20,577-60: National Union of Public Service Employees (Applicant) v. Corporation of the City of St. Catharines (Respondent). (Granted).

The Board endorsed the Record in part as follows:

"The Board finds that the applicant is, by reason of a transfer of jurisdiction, the successor to the United Steelworkers of America."

20,578-60: National Union of Public Service Employees (Applicant) v. Corporation of the Township of Grantham (Roads and Bridges Department) (Respondent). (Granted).

The Board endorsed the Record in part as follows:

"The Board finds that the applicant is, by reasons of a transfer of jurisdiction, the successor to the United Steelworkers of America."

APPLICATION FOR A DETERMINATION UNDER SECTION 68 DISPOSED OF

DURING NOVEMBER 1960

20,313-60: The Beaver Wood Fibre Co. Ltd. (Thorold) (Applicant) v. International Brotherhood of Pulp, Sulphite and Paper Mill Workers and its Affiliated Local 584 (Respondent). (Dismissed).

APPLICATIONS FOR DECLARATION THAT STRIKE UNLAWFUL DISPOSED OF

DURING NOVEMBER 1960

23-60-U: McNamara-Raymond (East West Subway Project, Toronto) (Applicant) v. International Hod Carriers & Common Labourers Union of America A.F. of L. C.I.O. Local Union 183 (Respondent). (Granted).

The Board endorsed the Record as follows:

"For the reasons to be given in writing the Board finds that a strike within the meaning of The Labour Relations Act occurred on October 26, 1960 at the applicant's project on the East-West Subway in Toronto (Contract U3) and that the respondent called and authorized the said strike. The Board declares that the said strike is unlawful."

Board Member G.R. Harvey dissented and said:

"I dissent. I would not have issued a declaration in this case."

29-60-U: McNamara-Raymond (East West Subway project, Toronto) (Applicant) v. Dominic Silvio, Natale Parise, Edward Goutin and Nichele Campoli (Respondent). (Granted).

The Board endorsed the Record as follows:

"For reasons to be given in writing in McNamara - Raymond and The International Hod Carriers' and Common Labourers' Union of America, Local Union 183, the Board declares that the action of the respondents in refusing to work on the applicant's project on the East-West Subway at Toronto (Contract U3) on October 26, 1960, constituted a strike within the meaning of The Labour Relations Act and that the said strike was unlawful."

Board Member G.R. Harvey dissented and said:

"I dissent. I would not have issued a declaration in this case."

98-60-U: Creswell-Pomeroy Limited (Bell Telephone Company of Canada, new toll and office building project, 50 Eglinton East, Toronto) (Applicant) v. Toronto and District Council of Carpenters and Millmen - United Brotherhood of Carpenters and Joiners of America (Respondent). (Withdrawn).

185-60-U: A Group of Electrical Contractors in the area of the Counties of Waterloo, Perth and Wellington, Ontario (Applicant) v. The International Brotherhood of Electrical Workers Local 804 (Respondent). (Withdrawn).

APPLICATIONS FOR CONSENT TO PROSECUTE DISPOSED OF DURING

NOVEMBER 1960

12-60-U: Omega Marble Tile and Terrazø Limited (Simpsons Parking Lot project, Richmond Street West, Toronto) (Applicant) v. Russell McDonald (Respondent). (Withdrawn).

13-60-U: Omega Marble Tile and Terrazo Limited (Simpsons Parking Lot project, Richmond Street West, Toronto) (Applicant) v. Operative Plasterers and Cement Masons International Association of United States and Canada Local 598 (Respondent). (Withdrawn).

20-60-U: Omega Marble Tile and Terrazo Limited (Simpsons Parking Lot project, Richmond Street West, Toronto) (Applicant) v. Sante Diero (Respondent). (Withdrawn).

21-60-U: Omega Marble Tile and Terrazo Limited (Simpsons Parking Lot project, Richmond Street West, Toronto) (Applicant) v. Reno Ortolan (Respondent). (Withdrawn).

22-60-U: Omega Marble Tile and Terrazo Limited (Simpsons Parking Lot project, Richmond Street West, Toronto) (Applicant) v. Luigi Sintello (Respondent). (Withdrawn).

24-60-U: McNamara-Raymond (East West Subway project, Toronto) (Applicant) v. N. Chomyshyn (Respondent). (Granted).

25-60-U: McNamara-Raymond (East West Subway project, Toronto) (Applicant) v. International Hod Carriers & Common Labourers Union of America A.F. of L. C.I.O. Local 183 (Respondent). (Granted).

30-60-U: McNamara-Raymond (East West Subway project, Toronto) (Applicant) v. Dominic Silvio (Respondent). (Granted).

31-60-U: McNamara-Raymond (East West Subway project, Toronto) (Applicant) v. Nichele Campoli (Respondent). (Granted).

32-60-U: McNamara-Raymond (East West Subway project, Toronto) (Applicant) v. Edward Goutin (Respondent). (Granted).

33-60-U: McNamara-Raymond (East West Subway project, Toronto) (Applicant) v. Natale Parise (Respondent). (Granted).

99-60-U: Creswell-Pomeroy Limited (Bell Telephone Company of Canada new toll and office building project, 50 Eglinton Avenue East, Toronto) (Applicant) v. Toronto and District Council of Carpenters and Joiners of America (Respondent). (Withdrawn).

103-60-U: Creswell-Pomeroy Limited (Bell Telephone Company of Canada, new toll and office building project, 50 Eglinton Avenue East, Toronto) (Applicant) v. Albert Emery (Respondent). (Withdrawn).

154-60-U: The Journeymen Stone Cutters Association of North America, Toronto, Local No. 1 (Applicant) v. Arthur Hibberd Cut Stone Limited, Toronto; The Cut Stone Contractors' Section of the Toronto Builders' Exchange, Toronto and District; Ritchie Cut Stone Company Limited, New Toronto, Ontario (Respondents). (Withdrawn).

APPLICATIONS UNDER SECTION 57 DISPOSED OF DURING

NOVEMBER 1960

14-60-U: Teamsters Joint Council Number 52 (Complainant) v. M. Loeb Limited (Respondent)

The Board endorsed the Record as follows:

"On considering the statements obtained by the Field Officer, Mr. J.M. Flannery, in the course of his enquiry into the complaint in this matter, including the statements of the aggrieved persons as well as those of other persons interviewed, we are of opinion that no further enquiry by the Board into the complaint should be made."

93-60-U: United Brotherhood of Carpenters & Joiners of America (Complainant) v. The Ellis-Don Limited (London). (Respondent).

SPECIAL ENDORSEMENTS IN CERTIFICATION APPLICATIONS

19,985-60: Local 280, of the Hotel & Restaurant Employees' & Bartenders' International Union (Applicant) v. Zantav Company Limited (Zanzibar Tavern, Toronto) (Respondent). (Granted June, 1960).

On November 16th, 1960, the Board further endorsed the Record as follows:

"Having regard to the practice of the Board with respect to the description of the bargaining units of this nature in the Toronto area and the evidence in this case, the Board does not consider it advisable to amend the description of the bargaining unit as described in its decision of June 28, 1960."

19,986-60: Local 280 of the Hotel & Restaurant Employees' & Bartenders' International Union (Applicant) v. Bermuda Tavern (Toronto) (Respondent). (Granted June, 1960).

On November 16th, 1960, the Board further endorsed the Record as follows:

"Having regard to the practice of the Board with respect to the description of bargaining units of this nature in the Toronto area and the evidence in this case, the Board does not consider it advisable to amend the description of the bargaining unit as described in its decision of June 28th, 1960."

20,116-60: The Canadian Union of Operating Engineers (Applicant) v. Industrial Steam Limited (Ajax plant) (Respondent) v. International Union of Operating Engineers, Local 796 (Intervener). (Applicant certified, October, 1960)

On November 17th, 1960, the Board further endorsed the Record as follows:

"The grounds upon which the intervener bases its request that the Board review its decision of October 3, 1960, in this matter were fully argued before the Board on the hearing of this application and were fully considered by the Board in arriving at its decision. The Board does not find therein any ground for altering its decision of October 3, 1960."

With respect to the third ground relied on by the intervener, namely, that "evidence of membership in Local 796 is evident by check-off submitted April 29th, 1960, from the C.M.H.A.", it should be pointed out that the evidence of membership submitted by the intervener in support of its application for certification did not contain the signatures of any of the persons whom the intervener claimed as members, but consisted exclusively of photostatic copies of union ledger records. The request of the intervener is denied."

SPECIAL ENDORSEMENTS IN CONCILIATION APPLICATIONS

19,885-60: International Brotherhood of Bookbinders (Applicant) v. Haig Printing & Office Supplies Limited (Scarborough) (Respondent). (Dismissed).

The Board endorsed the Record as follows:

"Since the Board has granted a declaration terminating the bargaining rights of the applicant in this matter this proceeding is terminated."

20,203-60: International Union of Operating Engineers Local 796 (Applicant) v. Municipality of Metropolitan (Metropolitan Corporation) (Respondent). (Dismissed).

The Board endorsed the Record as follows:

"The applicant herein having ceased to represent the employees affected by this application, it is not necessary to process the application further and this proceeding is therefore terminated."

MONTHLY REPORT



December 1963

ONTARIO LABOUR RELATIONS BOARD

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MONTHLY REPORT OF THE ONTARIO LABOUR RELATIONS BOARD

FOR THE MONTH OF DECEMBER, 1960

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19611-60 Anaconda Iron Ore (Ontario) Limited	326
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PART ONE

STATISTICAL TABLES

TABLE I.

APPLICATIONS FILED WITH THE ONTARIO LABOUR RELATIONS BOARD

Type of Application	Number of Applications Filed		
	December '60	1st 9 months 60-61	of fiscal year 59-60
I. Certification	49	544	602
II. Declaration Terminating Bargaining Rights	3	36	59
III. Declaration of Successor Status	-	5	7
IV. Conciliation Services	61	773	913
V. Determination under Section 68 of Act	2	7	6
VI. Consent to Early Termination of Agreement	-	-	-
VII. Declaration that Strike Unlawful	2	21	21
VIII. Declaration that Lockout Unlawful	-	2	1
IX. Consent to Prosecute	5	76	70
X. Miscellaneous	-	2	-
XI. Complaint of Unfair Practice in Employment (Section 65)	<u>6</u>	<u>17</u>	<u>-</u>
TOTAL	<u>131</u>	<u>1483</u>	<u>1538</u>

TABLE II
HEARINGS OF THE ONTARIO LABOUR RELATIONS BOARD

	Number		
	December '60	1st 9 months 60-61	of fiscal year 59-60
Hearings and continuation of Hearings by the Board	61	652	897

TABLE III

APPLICATIONS DISPOSED OF BY THE ONTARIO LABOUR RELATIONS BOARD
MAJOR TYPES

Type of Application	Number of applications disposed of		
	<u>December</u> <u>'60</u>	<u>1st 9 months of</u> <u>60-61</u>	<u>fiscal year</u> <u>59-60</u>
I. Certification	75	593	592
II. Declaration Terminating Bargaining Rights	6	44	61
III. Declaration of Successor Status*	-	9	7
IV. Conciliation Services	69	769	939
V. Determination under Section 68 of Act	1	7	7
VI. Consent to Early Termination of Agreement	-	1	-
VII Declaration that Strike Unlawful	4	26	24
VIII Declaration that Lockout Unlawful	-	1	4
IX. Consent to Prosecute	11	78	82
X. Miscellaneous	-	1	1
XI. Complaint of Unfair Practice in Employ- ment (Section 65)	<u>6</u>	<u>8</u>	<u>-</u>
TOTAL	<u>172</u>	<u>1537</u>	<u>1717</u>

*This does not include cases in which the question of
successor status arises as a collateral issue.

TABLE IV

APPLICATIONS DISPOSED OF BY THE ONTARIO LABOUR RELATIONS BOARD
BY TYPES AND BY DISPOSITION

Disposition	No. Appl/ns Disposed of			*Employees		
	Dec. '60	1st 9 mos 60-61	fiscal yr 59-60	Dec. '60	1st 9 mos 60-61	fiscal yr 59-60
<u>I. Certification</u>						
<u>Certified</u>						
CLC	41	330	340	1303	9391	7839
Other	<u>25</u>	<u>89</u>	<u>58</u>	<u>707</u>	<u>2241</u>	<u>1088</u>
Total	66	419	398	2010	11632	8927
<u>Dismissed</u>						
CLC	4	86	100	202	3338	6409
Other	<u>4</u>	<u>30</u>	<u>29</u>	<u>243</u>	<u>1024</u>	<u>1345</u>
Total	8	116	129	445	4362	7754
<u>Withdrawn</u>						
CLC	1	47	50	10	868	819
Other	<u>-</u>	<u>11</u>	<u>15</u>	<u>-</u>	<u>141</u>	<u>286</u>
Total	1	58	65	10	1009	1105
TOTAL:	<u>75</u>	<u>593</u>	<u>592</u>	<u>2465</u>	<u>17003</u>	<u>17786</u>

*These figures refer to the number of employees directly affected, and are based on the number of employees in the bargaining units at the time the applications for certification were filed with the Board. Totals for applications dismissed and withdrawn are approximate.

- 306 - APPLICATIONS DISPOSED OF BY
BOARD (continued)

Disposition	No. Appl'ns Disposed of			*Employees		
	Dec. '60	1st 9 mos. 60-61	fiscal yr. 59-60	Dec. '60	1st 9 mos. 60-61	fiscal yr. 59-60

II. Termination

Bargaining Rights

Terminated

CLC	5	20	25	116	446	721
Other	<u>-</u>	<u>4</u>	<u>4</u>	<u>-</u>	<u>121</u>	<u>39</u>
Total	5	24	29	116	567	820

Dismissed

CLC	1	11	27	60	417	738
Other	<u>-</u>	<u>1</u>	<u>2</u>	<u>-</u>	<u>17</u>	<u>11</u>
Total	1	12	29	60	434	749

Withdrawn

CLC	-	7	2	-	462	104
Other	<u>-</u>	<u>1</u>	<u>1</u>	<u>-</u>	<u>13</u>	<u>104</u>
Total	-	8	3	-	475	208

TOTAL:	<u>6</u>	<u>44</u>	<u>61</u>	<u>176</u>	<u>1476</u>	<u>1777</u>
Termination Applications Disposed of						

*These figures refer to the number of employees directly affected, and are based on the number of employees in the bargaining units at the time the applications were filed with the Board. Totals for termination applications dismissed and withdrawn are approximate

- 307 - APPLICATIONS DISPOSED OF BY BOARD
(continued)

Disposition	Number of Appl'ns Disposed of		
	<u>December</u> <u>'60</u>	<u>1st 9 months</u> <u>60-61</u>	<u>of fiscal year</u> <u>59-60</u>

III Successor Status

Granted	-	7	7
Dismissed	-	1	-
Withdrawn	<u>-</u>	<u>1</u>	<u>-</u>
Total	<u>-</u>	<u>9</u>	<u>7</u>

IV. Conciliation Services *

Referred

CLC	48	561	715
Other	<u>16</u>	<u>160</u>	<u>134</u>
Total	64	<u>721</u>	<u>849</u>

Dismissed

CLC	1	11	33
Other	<u>-</u>	<u>4</u>	<u>3</u>
Total	1	15	36

Withdrawn

CLC	1	18	51
Other	<u>3</u>	<u>15</u>	<u>3</u>
Total	<u>4</u>	<u>33</u>	<u>54</u>

TOTAL:	<u>69</u>	<u>769</u>	<u>939</u>
Conciliation			
Applications			
Disposed of			

*Includes applications for conciliation services re unions claiming successor status.

- 308- APPLICATIONS DISPOSED OF BY BOARD
(continued)

Disposition	Number of Appl's Disposed of		
	December '60	1st 9 months of fiscal year 60-61	59-60

V. Determination under
Section 68

Granted	-	1	2
Dismissed	-	2	1
Withdrawn	<u>1</u>	<u>4</u>	<u>4</u>
Total:	<u><u>1</u></u>	<u><u>7</u></u>	<u><u>7</u></u>

VI. Consent to Early
Termination of
Agreement

Granted	-	1	-
Dismissed	-	-	-
Withdrawn	<u>-</u>	<u>-</u>	<u>-</u>
Total:	<u><u>-</u></u>	<u><u>1</u></u>	<u><u>-</u></u>

VII. Declaration that
Strike Unlawful

Granted	-	4	2
Dismissed	-	1	2
Withdrawn	<u>4</u>	<u>21</u>	<u>20</u>
Total:	<u><u>4</u></u>	<u><u>26</u></u>	<u><u>24</u></u>

- 309-APPLICATIONS DISPOSED OF BY BOARD
(continued)

Disposition	Number of Appl'ns Disposed of		
	December '60	1st 9 months of fiscal year 60-61	59-60

VIII. Declaration that
Lockout Unlawful

Granted	-	1	1
Dismissed	-	-	-
Withdrawn	<u>-</u>	<u>-</u>	<u>3</u>
Total:	<u>-</u>	<u>1</u>	<u>4</u>

IX. Consent to
Prosecute

Granted	-	20	26
Dismissed	-	2	9
Withdrawn	<u>11</u>	<u>56</u>	<u>47</u>
Total:	<u>11</u>	<u>78</u>	<u>82</u>

X. Miscellaneous*

Granted	-	1	-
Dismissed	-	-	1
Withdrawn	<u>-</u>	<u>-</u>	<u>-</u>
Total	<u>-</u>	<u>1</u>	<u>1</u>

*See Case Listings for details

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TABLE V

REPRESENTATION VOTES IN CERTIFICATION APPLICATIONS DISPOSED
OF BY THE BOARD

Disposition	Number of Votes		
	December '60	1st 9 months 60-61	of fiscal year 59-60
<hr/>			
(1)			
<u>Certification After Vote</u>			
<u>Ballot Choice</u>			
Yes-No	2	23	17
Choice between 2 Unions	17	31	26
Other	-	1	-
<u>Total Certified</u>	19	55	43
<u>Dismissed After Vote</u>			
<u>Ballot Choice</u>			
Yes-No	4	46	47
Choice between 2 Unions	1	9	15
Other	-	-	-
<u>Total Dismissed</u>	5	55	62
GRAND TOTAL:	<u>24</u>	<u>110</u>	<u>105</u>
Certification Appl's Disposed of after vote			

(1) See Explanatory Notes, April 1960 Report, Page 3

TABLE VI

REPRESENTATION VOTES IN TERMINATION APPLICATIONS DISPOSED OF
BY THE BOARD

Disposition	Number of Votes		
	<u>December</u> <u>'60</u>	<u>1st 9 months</u> <u>60-61</u>	<u>of fiscal year</u> <u>59-60</u>
<u>Respondent Union Successful*</u>			
CLC	-	2	4
Other	-	3	-
Total	-	5	4
<u>Respondent Union Unsuccessful</u>			
CLC	2	8	17
Other	-	3	4
Total	2	11	21
GRAND TOTAL:	<u>2</u>	<u>16</u>	<u>25</u>
Termination Appl'ns			
Disposed of after vote			

*In termination proceedings where a vote is taken, the applicant is a group of employees, or the employer; the incumbent union is thus the respondent

PART TWO

CASE LISTINGS

APPLICATIONS DISPOSED OF BY THE ONTARIO LABOUR RELATIONS

BOARD DURING DECEMBER 1960

Bargaining Agents Certified During December
No Vote Conducted

47-60-R: United Brotherhood of Carpenters and Joiners of America, Local Union #1450 (Applicant) v. Charles Huffman Ltd. (Peterborough) (Respondent).

Unit: "all carpenters and carpenters' apprentices of the respondent employed at and working out of Peterborough, save and except non-working foremen and persons above the rank of non-working foreman." (11 employees in the unit)

49-60-R: National Union of Public Service Employees (Applicant) v. Recreation Committee of the Corporation of the City of Sault Ste. Marie (Respondent).

Unit: "all employees of the respondent at Sault Ste. Marie, save and except superintendents and persons above the rank of superintendent." (5 employees in the unit).

65-60-R: International Chemical Workers, Union, A.F. of L. C.I.O. C.I.C. (Applicant) v. Lakeland Natural Gas Limited (Province of Ontario) (Respondent).

Unit: "all employees of the respondent in its service area, save and except foremen, persons above the rank of foreman and office and sales staff."
(17 employees in the unit).

The Board endorsed the Record in part as follows:

"For the purposes of clarity the Board notes that the service area comprises the area shown in the map filed with the Board and on file with the Board."

74-60-R: General Truck Drivers' Union, Local 938, affiliated with the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America (Applicant) v. Drummond Transit Limited (Toronto) (Respondent).

Unit: "all employees of the respondent at Toronto, save and except foremen, persons above the rank of foreman, office staff, and persons regularly employed for not more than 24 hours per week." (8 employees in the unit).

81-60-R: International Union of Electrical, Radio and Machine Workers (AFI-CIO, CLC) (Applicant) v. Line and Cable Accessories Limited (Newmarket plant) (Respondent).

Unit: "all employees of the respondent at its plant in Newmarket, save and except foremen, persons above the rank of foreman and office staff." (69 employees in the unit).

104-60-R: International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers, Local 419, Warehousemen and Miscellaneous Drivers (Applicant) v. Abbott Storage Company (Toronto) (Respondent).

Unit: "all employees of the respondent at Toronto, save and except foremen, persons above the rank of foreman, office and sales staff and persons regularly employed for not more than twenty-four hours per week." (7 employees in the unit).

121-60-R: Teamsters, Chauffeurs, Warehousemen and Helpers, Local Union No. 880 affiliated with International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America (Applicant) v. Clifford Taylor Farm Produce (Ridgetown) (Respondent).

Unit: "all employees of the respondent at Ridgetown, save and except foremen, persons above the rank of foreman and office staff." (5 employees in the unit).

140-60-R: National Union of Public Service Employees (Applicant) v. The Corporation of the Town of Espanola (Respondent).

Unit: "all employees of the respondent save and except the public works superintendent, persons above the rank of public works superintendent, office staff, and persons regularly employed for not more than 24 hours per week." (11 employees in the unit).

155-60-R: United Packinghouse, Food and Allied Workers (Applicant) v. J. B. Jackson Limited (Simcoe) (Respondent).

Unit #1: "all employees of the respondent at its Wholesale Grocery Division, save and except foremen, persons above the rank of foreman, office and sales staff, persons regularly employed for not more than 24 hours per week and students hired for the school vacation period." (46 employees in the unit).

The Board endorsed the Record in part as follows:

"For the purposes of clarity the Board declares that truck drivers are included in this bargaining unit."

159-60-R: United Brotherhood of Carpenters & Joiners of America (Applicant) v. Mars Store Fixtures (Toronto) (Respondent).

Unit: "all employees of the respondent at Toronto, save and except foremen, persons above the rank of foreman, and office and sales staff." (6 employees in the unit).

163-60-R: National Union of Public Employees (C.L.C.) (Applicant) v. The Simcoe District High School Board (Simcoe) (Respondent).

Unit: "all caretakers in the employ of the respondent at Simcoe, save and except head caretaker and persons above the rank of head caretaker." (7 employees in the unit).

170-60-R: United Packinghouse, Food and Allied Workers A.F.L. - C.I.O. - C.L.C. (Applicant) v. Toronto Abattoir Ltd. (2 Tecumseth St., Toronto) (Respondent).

Unit: "all employees of the respondent at Toronto, save and except foremen, persons above the rank of foreman, office and sales staff, stationary engineers and persons primarily engaged as their helpers in the boiler room of the respondent and chief engineer." (67 employees in the unit).

179-60-R: International Brotherhood of Bookbinders Local #28 (Applicant) v. Gaylord Printing Company Limited (Bindery Dept., Toronto) (Respondent).

Unit: "all journeymen and journeywomen bookbinders and their apprentices in the employ of the respondent at Toronto, save and except non-working foremen and persons above the rank of non-working foreman." (6 employees in the unit).

186-60-R: International Union of Operating Engineers, Local 793 (Applicant) v. The Carter Construction Company Limited (Moosonee) (Respondent).

Unit: "all employees of the respondent at Moosonee, engaged in the operation of shovels, bulldozers and similar equipment, and persons primarily engaged in the repair and maintenance of such equipment, save and except non-working foremen and persons above the rank of non-working foreman." (13 employees in the unit).

189-60-R: United Packinghouse, Food and Allied Workers AFL-CIO-CLC (Applicant) v. Metropolitan Meat Packers Ltd. (Metropolitan Toronto) (Respondent).

Unit: "all employees of the respondent at Metropolitan Toronto, save and except foremen, persons above the rank of foreman, office and sales staff, and buying staff."
(24 employees in the unit).

The Board endorsed the Record in part as follows:

"In the light of the evidence presented, the Board finds that no weight can be given to the petition filed with the Board in opposition to the application and containing the signatures of certain employees of the respondent."

190-60-R: United Brotherhood of Carpenters and Joiners of America, Local Union 93 (Applicant) v. L. Zuccarini Company (Ottawa) (Respondent).

Unit: "all carpenters and carpenters' apprentices of the respondent employed at and working out of Ottawa, save and except non-working foremen and persons above the rank of non-working foreman." (2 employees in the unit).

193-60-R: International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, Local 990 (Applicant) v. The Carter Construction Company Limited (at its R. C. A. F. Station Project at Moosonee) (Respondent).

Unit: "all truck drivers, warehousemen and farm tractor drivers in the employ of the respondent at its R. C. A. F. Station Project at Moosonee, save and except foremen, persons above the rank of foreman and office staff."
(7 employees in the unit).

197-60-R: International Hod Carriers Building and Common Laborers' Union of America, Local 607 (Applicant) v. The Carter Construction Company Limited (R.C.A.F. Station Project, Moosonee) (Respondent).

Unit: "all construction labourers in the employ of the respondent at its R.C.A.F. Station Project at Moosonee, save and except non-working foremen and persons above the rank of non-working foreman." (38 employees in the unit).

199-60-R: United Rubber, Cork, Linoleum & Plastic Workers of America, AFL-CIO-CLC (Applicant) v. Plastomer Limited (Barrie) (Respondent).

Unit: "all employees of the respondent at its plant at Barrie save and except foremen and foreladies, persons above the rank of foreman or forelady, and office and sales staff." (41 employees in the unit).

200-60-R: Hotel & Restaurant Employees & Bartenders' International Union, Restaurant, Cafeteria & Tavern Employees Union, Local 254 (Applicant) v. Food Service Management Ltd. (De Havilland Aircraft of Canada Ltd., Plant, at Downsview) (Respondent).

Unit: "all employees of the respondent at the De Havilland Aircraft of Canada Ltd., Plant, at Downsview, save and except supervisors, persons above the rank of supervisor, head chef and office staff." (19 employees in the unit).

216-60-R: Office Employees International Union Local 343 (Applicant) v. Toronto Typographical Union No. 91 (Toronto) (Respondent).

Unit: "all office employees of the respondent at 91 Yonge Street, Toronto." (3 employees in the unit).

(Unit agreed to by the parties).

220-60-R: Kingston Heating and Maintenance Workers' Union, Local 229, Canadian Labour Congress (Applicant) v. Queen's University (Women's Residences, Kingston) (Respondent).

Unit: "all employees of the respondent at its women's residences at Kingston, save and except supervisors, persons above the rank of supervisor, office employees, persons regularly employed for not more than 24 hours per week and persons bound by a subsisting collective agreement between the applicant and the respondent." (49 employees in the unit).

234-60-R: Local 197, Hamilton, Ont. Hotel & Restaurant Employees and Bartenders Int. Union -- A.F.L. -- C.I.O. (Applicant) v. Robert D. Colbran and Mrs. Jean Gray carrying on business in the name and style of New Dynes Tavern (New Dynes Tavern at Hamilton) (Respondent).

Unit: "all waiters and tapmen employed in the beverage rooms of the respondent at New Dynes Tavern at Hamilton, save and except assistant manager, persons above the rank of assistant manager, and persons regularly employed for not more than 24 hours per week." (3 employees in the unit).

249-60-R: Oil, Chemical and Atomic Workers International Union (Applicant) v. Canadian Petrofina Ltd. (at its Pipeline Terminal at Downsview in the Township of North York) (Respondent).

Unit: "all employees of the respondent at its Pipeline Terminal at Downsview in the Township of North York, save and except assistant superintendents, persons above the rank of assistant superintendent, office staff and students hired for the school vacation period."
(13 employees in the unit).

250-60-R: Oil, Chemical and Atomic Workers International Union (Applicant) v. Mastex Industries (Brampton) (Respondent).

Unit: "all employees of the respondent at Brampton, save and except foremen, persons above the rank of foreman, office and sales staff and technical and engineering staff."
(104 employees in the unit).

The Board endorsed the Record in part as follows:

"The Board notes that the phrase 'technical and engineering staff' does not exclude maintenance employees or quality control checkers from the bargaining unit."

251-60-R: United Brotherhood of Carpenters and Joiners of America, Local #2486 (Applicant) v. Hill-Clark-Francis, Limited (on its Monteith Industrial Farm Project at Monteith) (Respondent).

Unit: "all carpenters and carpenters' apprentices in the employ of the respondent on its Monteith Industrial Farm Project at Monteith, save and except non-working foremen, and persons above the rank of non-working foreman."
(10 employees in the unit).

252-60-R: Office Employees International Union, Local 343 (Applicant) v. Auto Workers (Oshawa) Credit Union Limited (Oshawa) (Respondent).

Unit: "all employees of the respondent at Oshawa, save and except manager and persons above the rank of manager."
(4 employees in the unit).

266-60-R: General Truck Drivers' Union, Local 938 affiliated with the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America (Applicant) v. Moira-Schuster Limited (Belleville) (Respondent).

Unit: "all employees of the respondent employed at and working out of Belleville, save and except foremen, persons above the rank of foreman and office staff."
(18 employees in the unit).

275-60-R: International Woodworkers of America (Applicant) v. Roti Wood and Metal Products Company Limited (Fergus) (Respondent).

Unit: "all employees of the respondent at Fergus, save and except foremen, persons above the rank of foreman, office staff and persons regularly employed for not more than 24 hours per week." (13 employees in the unit).

280-60-R: Retail, Wholesale and Department Store Union AFL:CIO:CLC (Applicant) v. Mutual Dairies Limited (Ottawa) (Respondent).

Unit: "all employees of the respondent at Ottawa, save and except foremen, persons above the rank of foreman, office staff and persons bound by a subsisting collective agreement between the applicant and the respondent."
(2 employees in the unit).

281-60-R: International Chemical Workers Union AFL-CIO-CLC (Applicant) v. General Latex & Chemicals (Canada) Limited (at its Eastern Avenue East plant at Brampton) (Respondent).

Unit: "all employees of the respondent at its Eastern Avenue East plant at Brampton, save and except foremen, persons above the rank of foreman and office staff."
(10 employees in the unit).

285-60-R: Amalgamated Meat Cutters and Butcher Workmen of North America, AFL CIO (Applicant) v. Wickett & Craig Limited (Toronto) (Respondent).

Unit: "all employees of the respondent at Toronto, save and except foremen and supervisors, persons above the rank of foreman and supervisor, chief engineer, consulting chemists, chemists, nurse, guards and office and sales staff."
(67 employees in the unit).

19,871-60: Bakery and Confectionery Workers' International Union of America, Local 264 (Applicant) v. Inter City Baking Company Limited (Eastern Avenue, Toronto, Plant of its Browns' Bread Division) (Respondent).

Unit: "all employees of the respondent at the Eastern Avenue, Toronto, Plant of its Browns' Bread Division, save and except foremen, foreladies, persons above the rank of foreman or forelady, office staff, security guards, driver salesmen, transport drivers, special delivery employees, persons regularly employed for not more than 24 hours per week and students hired for the school vacation period." (198 employees in the unit).

In a vote taken in this matter under the Board's direction, 179 persons were eligible to vote; ballots were cast by 32 persons. The applicant filed objections to the vote and after a hearing on the objections the Board endorsed the Record as follows:

"On the uncontradicted testimony of the witnesses called by the applicant, we find that employees of the respondent were told by representatives of management that they were not to vote and that they were to inform other employees not to vote on pain of discharge if they disobeyed these "suggestions". Such conduct displays a studied contempt of the principles of freedom of choice implicit in the Act. It strikes at the very heart of the scheme provided by the legislation for ascertaining the wishes of the employees through a representation vote by destroying, in effect, the secrecy of the ballot. Having regard to these considerations and the circumstances of this case, including the fact that counsel for the respondent stated that the respondent, although not consenting, was nevertheless not objecting to certification and the further fact that the objection to certification by a group of employees was withdrawn, the Board revokes its decision of June 13, 1960, in this matter and substitutes therefore the following:

The Board finds that all employees of the respondent at the Eastern Avenue, Toronto, Plant of its Browns' Bread Division, save and except foremen, foreladies, persons above the rank of foreman or forelady, office staff, security guards, driver salesmen, transport drivers, special delivery employees, persons regularly employed for not more than 24 hours per week and students hired for the school vacation period, constitute a unit of employees of the respondent appropriate for collective bargaining.

The Board finds further, on the basis of all the evidence before it, that more than fifty per cent of the employees in the bargaining unit are members of the applicant, and that in the circumstances of this case, as disclosed by the evidence, the true wishes of the employees are not likely to be disclosed by a representation vote.

Having regard to the provisions of section 7(5) of The Labour Relations Act a certificate will issue."

20,288-60: Lumber and Sawmill Workers Union, Local 2537 of the United Brotherhood of Carpenters and Joiners of America (Applicant) v. McFadden Lumber Company (Sultan Area in the District of Sudbury) (Respondent).

Unit No. 1: "all employees of the respondent in its wood cutting operations in the Sultan Area in the District of Sudbury which are included in that part of Crown License D-1606 bounded on the north and east by the license limits and on the south by the northerly limits of the 1948 burn and on the west by the Aubinadong-Wenebegan height of land, save and except foremen, persons above the rank of foreman, scalers, assistant scalers, supervisors, clerks and office staff." (61 employees in the unit).

Unit No. 2: "all employees of the respondent at Sultan, save and except store manager, garage foreman, office staff and persons bound by a subsisting collective agreement between the applicant and the respondent." (68 employees in the unit).

20,310-60: Bricklayers, Masons, Plasterers, Cement Finishers of America, Local Union No. 13 (Applicant) v. Arnold Wyma (Cornwall) (Respondent).

Unit: "all bricklayers and bricklayers' apprentices of the respondent employed at and working out of Cornwall, save and except non-working foremen and persons above the rank of non-working foreman." (9 employees in the unit).

20,486-60: Hotel Motel & Restaurant Employees Union Local No. 899, A.F.L.-C.I.O.-C.L.C. (Applicant) v. Art Thibault, carrying on business under the name of Harmony Lunch Restaurant (Cornwall) (Respondent).

Unit: "all employees of the respondent employed at the Harmony Lunch Restaurant at Cornwall, save and except manager, office staff, and persons regularly employed for not more than 24 hours per week." (3 employees in the unit).

20,490-60: Plumbers - Pipefitters Local 552, of the United Association of Journeymen and Apprentices of the plumbing and pipefitting industry (Applicant) v. John Mahoney Installations (Windsor) (Respondent).

Unit: "all journeymen plumbers, steamfitters, pipefitters, pipewelders and their apprentices in the employ of the respondent at Windsor, save and except foremen and persons above the rank of foreman." (13 employees in the unit).

20,520-60: Milk Drivers and Dairy Employees Local Union No. 647 (Applicant) v. Dependable Caterers Limited (Scarborough) (Respondent) v. Hotel & Restaurant Employees and Bartenders' International Union, A.F.L.-C.I.O.-C.L.C. Restaurant, Cafeteria & Tavern Employees Union Local 254 (Intervener).

Unit: "all driver-salesmen in the employ of the respondent at Scarborough save and except route supervisors, and persons above the rank of route supervisor." (18 employees in the unit).

20,556-60: Milk Drivers and Dairy Employees Local Union No. 647 (Applicant) v. Brampton All-Jersey Dairy Limited (Brampton) (Respondent).

Unit: "all employees of the respondent at Brampton, save and except foremen, route foremen, persons above the rank of foreman or route foreman, office staff, dairy bar employees, persons regularly employed for not more than 24 hours per week and students hired for the school vacation period." (9 employees in the unit).

20,573-60: Textile Workers Union of America, CLC-AFL-CIO (Applicant) v. Deerfield Plastics Limited (Newmarket) (Respondent) v. Deerfield Plastics Employees Association (Intervener).

Unit: "all employees of the respondent at Newmarket, save and except foremen, persons above the rank of foreman, office staff and persons regularly employed for not more than 24 hours per week." (32 employees in the unit)

20,575-60: International Union, United Automobile, Aircraft and Agricultural Implement Workers of America (UAW) (Applicant) v. T. W. Dodd Machine Works (St. Catharines) (Respondent).

Unit: "all employees of the respondent at its plant at St. Catharines, save and except foremen, persons above the rank of foreman, office staff and persons regularly employed for not more than 24 hours per week." (8 employees in the unit).

20,583-60: Shopmens Local Union #743 of International Association of Bridge, Structural & Ornamental Iron Workers, Affiliated with the A.F.L.-C.I.O. (Applicant) v. Frankel Steel Construction Limited (Metropolitan Toronto) (Respondent) v. United Brotherhood of Carpenters and Joiners of America (Intervener) v. International Hod Carriers' Building & Common Labourers' Union, Local 506 (Intervener). (Intervener dismissed).

Unit: "all employees of the respondent in its Concrete Form Division Shop in Metropolitan Toronto, save and except foremen, persons above the rank of foreman, office staff, employees engaged in field erection or field installation work and persons covered by a subsisting collective agreement between the respondent and The Toronto and District Council of Carpenters and Millmen, United Brotherhood of Carpenters and Joiners of America."
(71 employees in the unit).

20,586-60: United Brotherhood of Carpenters and Joiners of America, Local 2486 (Applicant) v. Temiskaming Construction Limited (Kamiskotia Porcupine Mine Project, Township of Robb) (Respondent).

Unit: "all carpenters and carpenters' apprentices in the employ of the respondent at its Kamiskotia Porcupine Mine Project in the Township of Robb, save and except non-working foremen and persons above the rank of non-working foreman."
(21 employees in the unit).

20,656-60: Teamsters, Chauffeurs, Warehousemen and Helpers, Local Union 880, affiliated with International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America (Applicant) v. Art's Moving and Storage Company (Windsor) (Respondent).

Unit: "all employees of the respondent at Windsor, save and except foremen, persons above the rank of foreman and office staff." (3 employees in the unit).

Certified Subsequent to Pre-hearing Vote

67-60-R: The Canadian Union of Operating Engineers (Applicant) v. Silverwood Dairies Limited (London plant) (Respondent) v. Milk Drivers and Dairy Employees Local Union No. 647 (Intervener) v. International Union of Operating Engineers, Local 944 (Intervener).

Unit: "all stationary engineers, firemen and their helpers in the employ of the respondent at its London Plant."
(12 employees in the unit).

Number of names of persons on revised list		11
Number of persons who cast ballots		11
Number of ballots marked in favour of applicant	11	
Number of ballots marked in favour of intervener	0	

71-60-R: The Canadian Union of Operating Engineers (Applicant) v. Salada-Shirriff-Horsey Ltd. (Matilda Street plant, Toronto) (Respondent) v. International Union of Operating Engineers Local 796 (Intervener).

Unit: "all stationary engineers at the respondent's plant on Matilda Street, Toronto, save and except the chief engineer." (3 employees in the unit).

Number of eligible voters		3
Number of ballots cast		3
Number of ballots marked in favour of applicant	2	
Number of ballots marked in favour of intervener	1	

92-60-R: The Canadian Union of Operating Engineers (Applicant) v. Chrysler Corporation of Canada, Limited (Chatham power plants) (Respondent) v. International Union of Operating Engineers, Local 944 (Intervener).

Unit: "all stationary engineers, firemen, and labourers employed in the power plants of the respondent at Chatham, save and except supervisors and persons above the rank of supervisor." (8 employees in the unit).

Number of names on voters' list		8
Number of ballots cast		8
Number of ballots marked in favour of applicant	8	
Number of ballots marked in favour of intervener	0	

94-60-R: The Canadian Union of Operating Engineers (Applicant) v. Bucyrus-Erie Company of Canada, Ltd. (Guelph) (Respondent).

Unit: "all stationary engineers in the power house of the respondent at Guelph." (4 employees in the unit).

Number of names on voters' list		4
Number of ballots cast	4	
Number of ballots marked in favour of applicant	4	
Number of ballots marked in favour of intervener	0	

111-60-R: The Canadian Union of Operating Engineers (Applicant) v. The Homewood Sanitarium of Guelph, Ontario, Limited (Respondent) v. National Union of Operating Engineers of Canada, Local 14922, District 50, United Mine Workers of America; (formerly National Union of Operating Engineers of Canada, Local No. 851, United Construction Workers, United Mine Workers of America) (Intervener).

Unit: "all stationary engineers and persons primarily engaged as their helpers employed in the boiler house of the respondent at Guelph, Ontario, save and except the chief engineer and persons above the rank of chief engineer." (4 employees in the unit).

Number on revised voters' list		4
Number of ballots cast	4	
Number of ballots marked in favour of applicant	4	
Number of ballots marked in favour of intervener	0	

115-60-R: The Canadian Union of Operating Engineers (Applicant) v. General Motors of Canada, Limited (power house, Windsor) (Respondent) v. International Union of Operating Engineers, Local 944 (Intervener).

Unit: "all stationary engineers and helpers employed by the respondent in its power house at Windsor, save and except chief engineers." (8 employees in the unit).

Number on revised voters' list		8
Number of ballots cast	8	
Number of ballots marked in favour of applicant	8	
Number of ballots marked in favour of intervener	0	

120-60-R: Ready Mix, Building Supply, Hydro and Construction Drivers, Warehousemen and Helpers, Local Union No. 230, of the International Brotherhood of Teamsters (Applicant) v. Ottawa Pre-Mixed Concrete Limited (Ottawa) (Respondent) v. Canadian Construction Workers' Union, Division No. 1(N.C.C.L.) (Intervener).

Unit: "all employees of the respondent at Ottawa, save and except foremen, persons above the rank of foreman, office and sales staff and quality and customer control employees." (68 employees in the unit).

Number on revised voters' list		68
Number of ballots cast		68
Number of spoiled ballots	1	
Number of ballots marked in favour of applicant	67	
Number of ballots marked in favour of intervener	0	

141-60-R: The Canadian Union of Operating Engineers (Applicant) v. Viceroy Manufacturing Company Limited (Toronto) (Respondent). v. International Union of Operating Engineers Local 796 (Intervener).

Unit: "all stationary engineers and helpers employed in the respondent's power house in its plant No. 1, Dupont Street, Toronto, Ontario, save and except the chief engineer." (7 employees in the unit).

Number of eligible voters		7
Number of ballots cast		7
Number of ballots marked in favour of applicant	7	
Number of ballots marked in favour of intervener	0	

142-60-R: International Union, United Automobile Aircraft and Agricultural Implement Workers of America (UAW) (Applicant) v. Ensign Motors Limited (Toronto) (Respondent).

Unit: "all employees of the respondent at Toronto, save and except foremen, persons above the rank of foreman, office staff, car salesmen, outside parts salesmen, service salesmen and persons regularly employed for not more than twenty-four hours per week." (60 employees in the unit).

Number on revised voters' list		60
Number of ballots cast		60
Number of ballots marked in favour of applicant	55	
Number of ballots marked in favour of intervener	5	

Certified Subject to Post-Hearing Vote.

101-60-R: Canadian Mobile Homes Workers Union No. 155 N.C.C.L. (Applicant) v. London Precision Buildings Ltd. (London Township) (Respondent) v. United Brotherhood of Carpenters & Joiners of America Local 3054 (Intervener).

Unit: "all employees of the respondent at London Township, save and except foremen, persons above the rank of foreman and office and sales staff." (17 employees in the unit).

Number on revised voters' list	17
Number of ballots cast	17
Number of spoiled ballots	2
Number of ballots marked in favour of applicant	10
Number of ballots marked as opposed to applicant	5

19,611-60: Anaconda Iron Ore (Ont.) Employees Union (Applicant) v. Anaconda Iron Ore (Ontario) Limited (in its operations in an approximate rectangular area starting at a point thirty miles east of Cavell Station on the C.N.R. main line that runs through Cavell Station and continuing west along the main line of the C.N.R. for a distance of sixty miles, bounded on the North by a line seventy miles north of and parallel to the main line of the C.N.R. running through Cavell Station) (Respondent).

Unit: "all employees of the respondent in its operation in an approximate rectangular area starting at a point thirty miles east of Cavell Station on the C.N.R. main line that runs through Cavell Station and continuing west along the main line of the C.N.R. for a distance of sixty miles, bounded on the North by a line seventy miles north of and parallel to the main line of the C.N.R. running through Cavell Station, save and except foremen, persons above the rank of foreman, office staff, employees in the engineering and geological departments and security guards." (77 employees in the unit).

On July 20, 1960, the Board endorsed the Record in part as follows:

"For the purposes of clarity, the Board declares that head assayers are in the geological department and are excluded from the bargaining unit, but that samplers are included in the bargaining unit. The Board notes the agreement of the parties that the timekeepers are members of the office staff in this case and are excluded from the bargaining unit and the further agreement of the parties that chemists, fire assayers, and temporary road construction employees are excluded from the unit.

The Board notes that the persons classified by the respondent company as gatemen are security guards and are excluded from the bargaining unit."

The Board directed that a representation vote be taken. The majority directed that the employees be offered a choice between the applicant and the intervener and stated further:

"In view of the isolated position of the operation and the difficulties that the officials of the intervening union have experienced in gaining access to the employees resident on the respondent's property, the Board directs that the respondent afford to the applicant and the intervener equal opportunity and facilities to distribute propaganda and to engage in electioneering between the date this decision is served on the respondent and the date that the Registrar's usual direction prohibiting propaganda and electioneering takes effect. In this connection, the Board notes recommendation 8 of the Report of the Select Committee on Labour Relations of the Ontario Legislature (1958)."

Board Member, G.R. Harvey dissented and said:

"I dissent. The respondent's refusal to permit a union representative access to the employees' living area on this deeply isolated project is an unreasonable denial of a right to associate for a lawful purpose.

In contrast the respondent granted employees permission to meet in the project dining room to form an employees' association.

Particularly in view of this employer discrimination and in all the circumstances of this case, I would refuse status to the employees' association and order a secret ballot vote carrying only the name of the applicant union."

On December 20th, 1960, the Board further endorsed the Record as follows:

"The Board's direction for the taking of a representation vote in this case, issued on July 26, 1960, included a direction 'that the respondent afford to the applicant and the intervener equal opportunity and facilities to distribute propaganda and to engage in electioneering' during stated periods.

Subsequently, the parties met and reached an understanding as to the manner in which the direction of the Board was to be carried into effect. If the representatives of the interveners were of opinion that they were not being afforded the 'equal opportunity and facilities' provided for in the Board's direction, they should have sought a ruling from the Board before the understanding was concluded. Having failed to seek such a ruling at that time and having regard to the arrangements that were in fact made, the intervener cannot now be heard to say that the terms of the arrangements did not comply with the Board's direction. In this connection, it should be pointed out that the understanding arrived at expressly recognized the right of the employees of the respondent to engage in 'discussion and electioneering', the only restriction being that such activity be conducted outside of working hours. In so far as non-employees are concerned, the same opportunity was afforded to the applicant and to the intervener. In addition, the parties expressly stipulated that no non-employee representative 'will enter the bunk house'. It is this last-mentioned stipulation which the intervener regarded as the most objectionable feature of the arrangement. On the evidence presented at the hearing, we are unable to find that the respondent company violated the understanding arrived at between the parties. The situation might well have been other-wise if the arrangement had not been carried out in accordance with its terms.

We are of the opinion that the evidence presented by the intervener in support of its objections to the representation vote conducted in this matter is insufficient to warrant the direction of a further vote."

Number of names on revised eligibility list		84
Number of ballots cast	83	
Number of ballots segregated (not counted)	7	
Number of ballots marked in favour of applicant		
Anaconda Iron Ore (Ont.)		
Employees Union	63	

Number of ballots marked in
favour of intervener,
United Steelworkers of America 13

20,118-60: The Canadian Union of Operating Engineers
(Applicant) v. The Municipality of Metropolitan Toronto
(Respondent) v. The International Union of Operating Engineers
Local 796 (Intervener).

Unit: "all stationary engineers and their helpers in the
employ of the respondent, save and except engineers-in-charge
and persons above the rank of engineers-in-charge."
(58 employees in the unit).

The Board endorsed the Record as follows:

"There are two issues in this case:

(i) Is the applicant a trade union within
the meaning of Section 1 (1) (i) of The Labour
Relations Act?

(ii) Is the bargaining unit proposed by the
applicant appropriate for collective bargaining
under the terms of section 6 of the Act?

The applicant is clearly an organization of
employees formed for purposes that include the
regulation of relations between employees and em-
ployers. However, it is suggested that it fails
to meet the requirements of the Act because its
constitution does not provide in express terms
for "a right of appeal", which presumably means
that there is no express provision in the consti-
tution that entitles a member to appeal to some
authority in the organization against unjust
suspension or expulsion. There is nothing in
the Act which, either expressly or impliedly,
empowers the Board to dismiss an application
because the constitution of an applicant organ-
ization, which is otherwise appropriate lacks such
a provision. If the Board were to make the in-
clusion of an "appeal" clause a condition of its
recognizing an organization of employees as a trade
union, it would be exceeding its jurisdiction. It
may be that, where there is in the constitution of
an organization a power vested in some body to
expel a person from membership in the organization,
it would be a sound administrative practice to
establish a procedure whereby a member subject to

expulsion might be informed of the grounds of complaint against him and might be afforded an opportunity to be heard. But even where there is no such provision, the principles of natural justice will supply the omission. In any event, the constitution of the applicant in the instant case contains no provision empowering anyone to expel a member and, indeed, a member cannot even be suspended until he is in default in payment of dues "for three months running" and even then only "if he fails to respond to a registered letter to his last-known address within the next month". As the learned author of Lloyd on The Law of Unincorporated Associations says (p. 116): "A power of expulsion exists only when it is expressly conferred by the rules themselves". Whether an organization can function efficiently without a power of expulsion is not a consideration for this Board. In view of these considerations and the evidence as to the status of the applicant union presented to us at the hearing, I find that the applicant is a trade union within the meaning of section 1(1) (i) of The Labour Relations Act.

On the second issue to which I referred at the commencement of these reasons, namely the bargaining unit, it need only be said that the unit proposed by the applicant is appropriate on any one of three grounds: (i) it is an appropriate bargaining unit under section 6(2) of the Act; (ii) it is an appropriate bargaining unit having regard to the provisions of section 40 of the Act; and (iii) it is an appropriate unit as a "tag-end" unit having regard to the extent of the bargaining rights of other trade unions representing the other employees of the respondent.

I find that all stationary engineers and their helpers in the employ of the respondent, save and except engineers-in-charge and persons above the rank of engineers-in-charge, constitute a unit of employees of the respondent appropriate for collective bargaining. I further find, on the basis of all the evidence before me, that more than forty-five per cent of the employees in the bargaining unit are members of the applicant. A representation vote will be taken of employees of the respondent in the bargaining unit.

All employees of the respondent in the bargaining unit on the date hereof who do not voluntarily terminate their employment or are not discharged for cause between the date hereof and the time the vote is taken will be eligible to vote. Voters will be asked to indicate whether or not they wish to bargain collectively through the applicant or the intervener.

The matter is referred to the Registrar.

Board Member C. C. Young in a concurring decision said:

While I am satisfied that the Board is entitled to require that trade union constitutions make reasonable provision for such things as control by members over the affairs of the organization, I am satisfied that there is no absence of such control and no denial of the rights of individual members to be detected in the applicant's constitution in this case. If in some future case an organization presented a constitution which was so defective, I might well conclude that such an organization was not an organization of employees as contemplated in section 1 (1) (i) of The Labour Relations Act.

In the result, then, I concur in the decision of the Chairman in both of the issues in this case.

Board Member G. Russell Harvey dissented and said:

I dissent. Based on the proposition that a constitution is a contract of membership, I would refuse status if the constitution does not include certain basic rights such as election of officers, membership meetings and the right of appeal. In this case right of appeal does not appear. Although it was argued this constitution only provides for suspension for failure to pay dues, it is inconceivable that, in accepted democratic procedure, an organization can function without internal disciplinary authority and the resulting need for the right of appeal.

It is my opinion that the Board has jurisdiction to refuse status to an organization under the Act if the constitution of the organization did not provide for the election of officers and the Board has in fact taken that position in its decision in the Harris Case (August 24, 1960).

It is of equal importance that in the exercise of an inherent right to make and enforce its laws and punish an offender, even to the extent of expulsion, an organization must provide for the right of appeal as a relevant consideration for status entitlement.

I further dissent on the ground the applicant does not qualify for craft rights as there is no history of craft bargaining and is not entitled to certification in a unit separated only as a result of rights granted to a craft union. In my opinion the rights granted by section 6 (2) of the Act are exclusive and a union seeking to displace must qualify for the exercise of that right. A trade union is not entitled to gain indirectly, as the applicant is attempting to do in this proceeding, what it cannot obtain directly.

Number of names on revised eligibility list		50
Number of ballots cast	50	
Number of ballots marked in favour of applicant	45	
Number of ballots marked in favour of intervener	5	

20,128-60: The Canadian Union of Operating Engineers (Applicant) v. The Hydro Electric Power Commission of Ontario (Richard L. Hearn Generating Station, Toronto) (J. Clark Keith Generating Station, Windsor) (Respondent) v. International Union of Operating Engineers, Local 796 (Intervener 1) v. International Union of Operating Engineers, Local 944 (Intervener 2) v. Ontario Hydro Employees Union N.U.P S.E.-C.L.C. (Intervener 3).

Board Member G. R. Harvey dissented and said:

"For the reasons given in The Municipality of Metropolitan Toronto Case, I dissent. I would have dismissed the application of the applicant."

Unit #1: "all employees of the respondent at its Richard L. Hearn Generating Station at Toronto, save and except shift supervisors, foremen, persons above the rank of foreman, office staff, electrical operators and technicians." (234 employees in the unit).

Unit #2: "all employees of the respondent at its J. Clark Keith Generating Station at Windsor, save and except shift supervisors, foremen, persons above the rank of foreman, office staff, electrical operators and technicians." (100 employees in the unit).

Constituency #1

Number of names on revised eligibility list		234
Number of ballots cast	220	
Number of ballots spoiled	1	
Number of ballots marked in favour of applicant	201	
Number of ballots marked in favour of Intervener #1, International Union of Operating Engineers, Local 796	18	

Constituency #2

Number of names on revised eligibility list		100
Number of ballots cast	100	
Number of ballots marked in favour of applicant	95	
Number of ballots marked in favour of Intervener #2, International Union of Operating Engineers, Local 944	5	

20,283-60: The Canadian Union of Operating Engineers (Applicant) v. Larry-Price Buildings Limited (410 Adelaide Street West, Toronto) (Respondent) v. International Union of Operating Engineers, Local 796 (Intervener).

Unit: "all stationary engineers and persons primarily engaged as their helpers, employed by the respondent at 410 Adelaide Street West, Toronto." (3 employees in the unit).

Number of names on eligibility list		3
Number of ballots cast	3	
Number of ballots marked in favour of applicant	2	
Number of ballots marked in favour of intervener	1	

20,339-60: Sheet Metal Workers' International Association, Local Union 397 (Applicant) v. Northland Machinery Supply Co. Limited (Fort William) (Respondent).

Unit: "all employees of the respondent at Fort William engaged in the application of roofing material (other than wood shingles and metal) save and except non-working foremen and persons above the rank of non-working foreman, office staff and persons covered by subsisting collective agreement." (15 employees in the unit).

Board Member G. R. Harvey dissented and said:

"I dissent. I would have included Roger Dorval in the bargaining unit."

Number of names on revised eligibility list		10
Number of ballots cast	10	
Number of ballots segregated (not counted)	1	
Number of ballots marked in favour of applicant	9	
Number of ballots marked as opposed to applicant	0	

20,594-60: Canadian Brotherhood of Railway, Transport and General Workers (Applicant) v. Transit Mixed Concrete and Builders Supply Limited (within a twenty mile radius of St. Catharines City Hall) (Respondent) v. Transit Mixed Employees' Association (Intervener).

Unit: "all employees of the respondent within a twenty mile radius of St. Catharines City Hall, save and except foremen, persons above the rank of foreman, office staff, plant protection staff, students hired for the school vacation periods and persons regularly employed for not more than 24 hours per week." (41 employees in the unit).

Number of names on eligibility list		44
Number of ballots cast	44	
Number of ballots spoiled	1	
Number of ballots marked in favour of applicant	24	
Number of ballots marked in favour of intervener	19	

20,626-60: International Union of Operating Engineers, Local 796 (Applicant) v. Canada Glazed Papers Limited (Metropolitan Toronto) (Respondent) v. Printing Specialties & Paper Products Union, Local 466 (Intervener).

Unit: "all stationary engineers and persons primarily engaged as their helpers, save and except chief engineer in the employ of the respondent at Metropolitan Toronto." (5 employees in the unit).

Number of names on eligibility list		5
Number of ballots cast	5	
Number of ballots marked in favour of applicant	5	

Number of ballots marked in favour of intervener	0
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20,695-60: Sudbury General Workers' Union, Local 101 C.I.C.
(Applicant) v. Palm Dairies Limited (District of Sudbury)
(Respondent) v. The Sudbury and District General Workers'
Union Local 902 of the International Union of Mine Mill and
Smelter Workers (Intervener).

Unit: "all employees of the respondent in the District of
Sudbury save and except foremen, persons above the rank of
foreman and office staff." (51 employees in the unit).

Number of names on revised eligibility list		50
Number of ballots cast	48	
Number of ballots marked in favour of applicant	32	
Number of ballots marked in favour of intervener	16	

20,701-60: The Canadian Union of Operating Engineers
(Applicant) v. Northern Miner Press Limited (Toronto)
(Respondent) v. International Union of Operating Engineers,
Local 796 (Intervener).

Unit: "all stationary engineers in the employ of the
respondent at Toronto." (4 employees in the unit).

Number of names on eligibility list		4
Number of ballots cast	4	
Number of ballots marked in in favour of applicant	4	
Number of ballots marked in favour of intervener	0	

Applications for Certification Dismissed no Vote Conducted

198-60-R: International Hod Carriers Building and Common
Laborers' Union of America, Local 607 (Applicant) v.
Universal Plumbing and Heating Co. Ltd. (R.C.A.F. Station
Project, Moosonee) (Respondent). (8 employees).

The Board endorsed the Record as follows:

"Application dismissed by reason of the
non-appearance of the applicant at the hear-
ing held by the Board in the matter."

243-60-R: District 50, United Mine Workers of America (Applicant) v. Canadian Industries Limited (Nobel Works) (Respondent) v. Oil, Chemical & Atomic Workers International Union and its Local 16-684 (Intervener). (228 employees).

The Board endorsed the Record as follows:

"The terminal date fixed for this application by the Registrar was December 13, 1960. Under section 6 of the Rules, the applicant was required to file a statement on status of trade union in Form 8 and a declaration concerning membership documents in Form 9 not later than the second day after the terminal date. No such form had been received by the Board by December 19, 1960, the date of the meeting held by the examiner with the parties for the purpose of making arrangements for the pre-hearing vote requested by the applicant in this case or, for that matter, up to the date of this decision when the examiner's report was considered by the Board."

The application is accordingly dismissed."

20,546-60: National Union of Public Employees (Applicant) v. MacDonnell Memorial Hospital (Cornwall) (Respondent). (128 employees).

The Board endorsed the Record as follows:

"Although the applicant has requested leave to withdraw its application herein, the Board following its usual practice in such cases, dismisses the application."

Post Hearing

Applications for Certification Dismissed Subsequent to Vote

82-60-R: Teamsters, Chauffeurs, Warehousemen and Helpers, Local Union 880, affiliated with International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America (Applicant) v. Gamble Robinson Limited (London) (Respondent).

Unit: "all employees of the respondent at London, save and except foremen, persons above the rank of foreman, office and sales staff, persons regularly employed for not more than 24 hours per week and students hired for the school vacation period." (10 employees in the unit).

Board Member Edmund Boyer dissented and said:

"I dissent. In all the circumstances of this case I would not have ordered a vote."

Number of names on revised voters' list		11
Number of persons who cast ballots	11	
Number of ballots marked in favour of applicant	3	
Number of ballots marked as opposed to applicant	8	

19,139-59: Hotel & Restaurant Employees and Bartenders' International Union, A.F.L.-C.I.O. C.L.C. Restaurant, Cafeteria & Tavern Employees Union Local 254 (Applicant) v. Dependable Caterers Limited (Scarborough) (Respondent).

Unit: "all employees of the respondent employed at or working out of its premises at Scarborough, save and except the manager, assistant manager, road supervisors, head shipper, head chef, head baker, forelady, head mechanic, office staff, persons regularly employed for not more than 24 hours per week, and persons hired for the school vacation period." (38 employees in the unit).

Number of names on revised eligibility list		29
Number of ballots cast	29	
Number of ballots spoiled	2	
Number of ballots marked in favour of applicant	10	
Number of ballots marked as opposed to applicant	17	

20,284-60: The Canadian Union of Operating Engineers (Applicant) v. Siporex Limited (Township of Scarborough) (Respondent) v. International Union of Operating Engineers Local 796 (Intervener).

Unit: "all stationary engineers in the employ of the respondent at its plant in the Township of Scarborough." (4 employees in the unit).

Number of names on revised eligibility list		4
Number of ballots cast	4	
Number of ballots segregated	1	
Number of ballots marked in favour of applicant	0	
Number of ballots marked in favour of intervener	3	

20,338-60: International Chemical Workers Union, A.F. of L. - C.I.O. - C.L.C. (Applicant) v. Hart Products Company of Canada Limited (Guelph) (Respondent).

Unit: "all employees of the respondent at Guelph, save and except foremen, persons above the rank of foreman, office and sales staff and laboratory technicians."
(22 employees in the unit).

Number of names on revised eligibility list		22
Number of ballots cast	22	
Number of ballots marked in favour of applicant	1	
Number of ballots marked as opposed to applicant	21	

20,659-60: The Canadian Union of Operating Engineers (Applicant) v. Windsor Packing Company, Limited (Windsor Plant) v. International Union of Operating Engineers, Local 944 (Intervener).

Unit: "all stationary engineers and helpers engaged in the operation and covering generally maintenance, power, heating and refrigeration equipment at the Windsor Plant of the respondent." (4 employees in the unit).

Number of names on eligibility list		4
Number of ballots cast	4	
Number of ballots marked in favour of applicant	2	
Number of ballots marked in favour of intervener	2	

APPLICATION: FOR CERTIFICATION WITHDRAWN DURING DECEMBER 1960

20,627-60: United Brotherhood of Carpenters and Joiners of America, Local #2486 (Applicant) v. Atlas-Robertson (Joint Venture) (North Bay Project) (Respondent). (10 employees).

APPLICATIONS FOR TERMINATION OF BARGAINING RIGHTS DISPOSED OF DURING DECEMBER 1960.

55-60-R: Employees of Rollit Products Limited (Applicant) v. International Union of Electrical, Radio and Machine Workers, AFL-CIO, CLC (IUE) and its Local 552 (Respondent). (Granted) (18 employees).

(Re: Rollit Products Limited,
Brockville, Ontario)

116-60-R: Wilson & Somerville, Limited (St. Thomas)
(Applicant) v. Sheet Metal Workers, International Association,
Local Union #473 (Respondent). (Granted) (9 employees).

(Re: Wilson & Somerville, Limited,
St. Thomas, Ontario).

171-60-R: Wesmak Lumber Company Limited (District of Sudbury)
(Applicant) v. Lumber and Sawmill Workers Union Local 2537
(Respondent). (Dismissed) (60 employees).

(Re: Wesmak Lumber Company Limited,
District of Sudbury)

208-60-R: Victor Stevenson, Norman F. Holland and Samuel J.
McFarlane on their own behalf and on behalf of the Employees
of Consumers Gas Company Limited (Applicant) v. International
Chemical Workers Union, C.L.C., A.F.L., C.I.O., Local 161
(Respondent). (10 employees).

Re: Consumers Gas Company Limited,
Regulator Group, Toronto)

17,056-58: Andre Mageau - and - H. George Preseault
(Applicant) v. International Woodworkers of America
(Respondent). (Granted) (67 employees).

Re: Field Lumber (1956) Limited,
Field Sawmill,
Field, Ontario)

Number of names on revised eligibility list		47
Number of ballots cast	50	
Number of ballots segregated (not counted)	4	
Number of ballots marked in favour of respondent	7	
Number of ballots marked as opposed to respondent	39	

The Board endorsed the Record in part as follows:

"In all the circumstances of this case the
segregated ballots cannot affect the result of
the vote. The registrar is therefore directed
to destroy the segregated ballots which were
not counted and in so doing, preserve the
secrecy thereof."

20,655-60: L C S Metals Corporation Limited (Brantford plant) (Applicant) v. Local 1673, International Association of Machinists (Respondent) (Granted) (12 employees).

(Re: L C S Metals Corporation Limited,
Brantford, Ontario)

Number of names on eligibility list		12
Number of ballots cast	12	
Number of ballots marked in favour of the respondent	1	
Number of ballots marked as opposed to the respondent	11	

APPLICATION FOR DETERMINATION UNDER SECTION 68 DISPOSED OF

DECEMBER 1960

19,677-60: T. Barbisen & Sons (Windsor) (Applicant) v. Operative Plasterers & Cement Masons International Association of United States and Canada Local 345 (Respondent). (Withdrawn)

APPLICATIONS FOR DECLARATION THAT STRIKE UNLAWFUL DISPOSED

OF DURING DECEMBER 1960

1-60-U: Omega Marble Tile and Terrazo Limited (Toronto) (Applicant) v. Operative Plasters and Cement Masons International Association of United States and Canada Local 598 (Respondent). (Withdrawn)

15-60-U: Omega Marble Tile and Terrazo Limited (Simpsons Parking Lot project, Richmond Street West, Toronto) (Applicant) v. Sante Diero, Rena Ortolan and Luigi Sintello (Respondents). (Withdrawn)

257-60-U: George and Asmussen Limited (Sarnia Sewage Treatment Plant, Sarnia) (Applicant) v. Peter Lubbers, Herman Kremer and Henry Toernders (Respondents). (Withdrawn)

276-60-U: George and Asmussen Limited (George Town Hospital project) (Applicant) v. Bricklayers, Masons and Plasterers International Union Local No. 2. Ontario (Respondent). (Withdrawn)

APPLICATIONS FOR CONSENT TO PROSECUTE DISPOSED OF DURING

DECEMBER 1960

20,107-60: United Steelworkers of America (Applicant) v. C. Thorne (Toronto) (Respondent). (Withdrawn)

20,108-60: United Steelworkers of America (Applicant) v. York Steel Construction Limited (Toronto) (Respondent). (Withdrawn)

20,109-60: United Steelworkers of America (Applicant) v. York Steel Construction Limited (Toronto) (Respondent). (Withdrawn)

20,110-60: United Steelworkers of America (Applicant) v. C. Thorne (Toronto) (Respondent). (Withdrawn)

20,111-60: United Steelworkers of America (Applicant) v. York Steel Construction Limited (Toronto) (Respondent). (Withdrawn)

20,112-60: United Steelworkers of America (Applicant) v. C. Thorne (Toronto) (Respondent). (Withdrawn)

20,464-60: Hill-Clark-Francis Limited (Project known as the Extension to the Sudbury Mining and Technical School on College Street in Sudbury, Ontario) (Applicant) v. James Tye (Respondent). (Withdrawn)

258-60-U: George and Asmussen Limited (George Town Hospital) (Applicant) v. John Zanussi (Respondent). (Withdrawn)

259-60-U: George and Asmussen Limited (George Town Hospital) (Applicant) v. Donald Williams (Respondent). (Withdrawn)

260-60-U: George & Asmussen Limited (Sarnia Sewage Treatment Plant) (Applicant) v. Peter Lubbers, Herman Kremer and Henry Toernders (Respondents). (Withdrawn)

273-60-U: Lumber and Sawmill Workers' Union, Local 2995 of the United Brotherhood of Carpenters & Joiners of America - A.F.L. - C.I.O. (Applicant) v. Kokotow Lumber Limited (Planing Mill in Dack Township) (Respondent). (Withdrawn)

APPLICATIONS UNDER SECTION 57 (UNFAIR LABOUR PRACTICE)
DISPOSED OF DURING DECEMBER 1960

66-60-U: General Truck Drivers' Union, Local 938 affiliated with the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America (Complainant) v. Drummond Transit Co. Ltd. (Toronto) (Respondent).

95-60-U: General Truck Drivers' Union, Local 938 affiliated with the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America (Complainant) v. Drummond Transit Co. Ltd. (Respondent).

102-60-U: General Truck Drivers' Union, Local 938 affiliated with the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America (Complainant) v. Drummond Transit Co. Ltd. (Respondent).

215-60-U: United Brotherhood of Carpenters and Joiners of America (Complainant) v. National Showcase Company Limited (Toronto) (Respondent).

The Board endorsed the Record as follows:

"For the reasons given in writing this complaint is dismissed."

228-60-U: International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers, Local 419, Warehousemen and Miscellaneous Drivers (Complainant) v. National Sea Products Limited (Toronto) (Respondent).

The Board endorsed the Record as follows:

"The complaint of the complainant in so far as it concerns Leonard Arsenault and Carl Richar, two of the aggrieved persons is withdrawn by leave of the Board.

In so far as the complaint concerns John Thomas Serson, on considering the statements obtained by the Field Officer, Mr. J. M. Flannery, in the course of his enquiry into the complaint in this matter, including the statement of the aggrieved person, as well as those of other persons interviewed, we are of opinion that no further enquiry by the Board into the complaint should be made. The complaint is accordingly dismissed."

264-60-U: National Union of Public Employees (Complainant) v. City Parking Ltd. (Toronto) (Respondent).

SPECIAL ENDORSEMENTS IN CONCILIATION APPLICATIONS

19626-60: International Chemical Workers Union, AFL-CIO-CLC,
(Applicant) v. Kemball, Bishop (Company) Canada Limited.
(Respondent).

The Board endorsed the Record as follows:

"The applicant union entered into a collective agreement with the respondent company Kemball Bishop & Co. (Canada) Ltd., effective as of March 1, 1958. We were told at the hearing that the respondent company was a joint venture of Pfizer Corporation of the United States and Kemball Bishop of England. Some time in December, 1958, the assets of Kemball Bishop & Co. (Canada) Ltd. were sold to Pfizer Corporation and the latter corporation has carried on business at Cornwall as Kemball Bishop Canada Division of Pfizer Corporation, apparently retaining substantially the same staff of employees and engaging in the production and distribution of the same products as its predecessor. Kemball Bishop & Co. (Canada) Ltd., although its charter has not been surrendered, has been "dormant" since that time and it has had no employees. The Pfizer Corporation observed the terms of the agreement between the applicant union and Kemball Bishop & Co. (Canada) Ltd. right up to its expiry date, even checking off union dues as provided in that agreement and remitting the dues to the applicant union. On January 1, 1960, the applicant union wrote to Kemball Bishop & Co. (Canada) Ltd. advising the company of its desire to negotiate amendments to the agreement. The union's letter was addressed to the attention of Mr. Hugh Stephens, Vice-President. Under date of February 8, 1960, Mr. Stephens wrote to the union on the stationery of Kemball Bishop of Canada Division of Pfizer Corporation acknowledging the union's letter relative to changes in the agreement between the union and Kemball Bishop & Co. (Canada) Ltd. He then proceeded as follows: "We, too, have some changes for your consideration, and suggest you choose some day in the week beginning February 15th/60. Please let us know what day you would prefer, and suitable arrangements will be made for a meeting in Cornwall". The letter is signed "For Kemball Bishop Canada Division of Pfizer Corporation" by Hugh Stephens, Manager, Cornwall Works. Arrangements were duly made and meetings were held on February 22nd, and March 8th and 22nd, 1960. When the negotiations reached a deadlock, the applicant union applied for conciliation services and notice of the filing of the application was duly served by the Registrar on Kemball Bishop & Co. (Canada) Ltd. Kemball Bishop & Co. (Canada) Ltd. did not file a reply but Mr. R. H. Jackson, whose status has not been established, wrote to the Board "For Kemball Bishop Canada Div. of Pfizer Corpn." as follows:

We have to advise you that Kemball, Bishop & Co. (Canada) Ltd. is dormant and has not been in business or had any employees on its payroll since 1st December 1958, when it sold all its assets to the Pfizer Corporation. The former Company's business has since been continued by the Corporation under the style of "Kemball Bishop Canada, division of Pfizer Corporation."

The recently expired agreement with the Company does not contain any provision for transfer to a successor and whilst the Corporation has shown good faith in observing its provisions for the remainder of its term and subsequently in several meetings with the Union -- to whom this has been explained - for negotiating a new agreement, we feel that any official proceedings should commence with the service of notices upon the present employer to avoid embarrassing the Conciliation Officer at the hearing of the matters in question.

Since it was admitted by the applicant union at the hearing that Kemball Bishop & Co. (Canada) Ltd. is no longer "carrying on business" and has no employees, this is not a case in which conciliation services ought to be granted and the application is accordingly dismissed. We are not clear whether Mr. R. Malo, who appeared on behalf of the respondent at the hearing, was acting as spokesman for Kemball Bishop & Co. (Canada) Ltd. or for Kemball Bishop of Canada Division of Pfizer Corporation, nor are we clear from the submissions he made at the hearing or from the letter of Mr. Jackson referred to above whether he was suggesting that, if the applicant union had given notice of desire to bargain to Kemball Bishop of Canada Division of Pfizer Corporation, the latter corporation would have consented to the amendment of the proceedings by substituting the name of Kemball Bishop of Canada Division of Pfizer Corporation for that of Kemball Bishop & Co. (Canada) Ltd. in these proceedings. However that may be, in the absence of an appropriate provision in The Labour Relations Act to that effect, there is no avenue for the Board to transfer the obligation to bargain to a successor employer.

Board Member G. R. Harvey dissented and said:

I dissent. I would have granted conciliation. While Kemball Bishop & Co. (Canada) Ltd. continues to exist as a legal entity, the union is entitled to exercise whatever rights there may flow from the bargaining rights which the union had acquired.

(This decision was made by the Board in June 1960 and was inadvertently omitted from the June 1960, Monthly Report)

TRUSTEESHIP REPORTS FILED DECEMBER, 1960

- T1-60 International Brotherhood of Teamsters, Chauffeurs
Warehousemen and Helpers of America: Local 880 at
Windsor, taken into trusteeship December 1952 under
supervision of James R. Hoffa who was appointed by
the late President, Darrell J. Tobin Report
filed by James R. Hoffa, General President, and
John F. English, General Secretary-Treasurer.
- T2-60 Amalgamated Meat Cutters and Butcher Workmen of
North America: Local 258 at Scarborough, taken
into trusteeship in April 1955 under supervision of
Thomas J. Lloyd, International President Report
filed by Thomas J. Lloyd, President and Patrick E.
Gorman, Secretary-Treasurer.
- T3-60 United Steelworkers of America: Local 4433 at Port
Colborne, taken into trusteeship in November 1956,
under supervision of Joseph Bacon on recommendation
of William Mahoney, National Director for Canada
Report filed by William Mahoney, National Director
for Canada.
- T4-60 United Steelworkers of America: Local 2458 at
Oshawa, taken into trusteeship in December 1954
under supervision of Keith Ross on recommendation
of William Mahoney, National Director for Canada.
Report filed by William Mahoney, National Director
for Canada.
- T5-60 United Steelworkers of America: Local 5692 at
London, taken into trusteeship in December 1960
under supervision of P. Daley on recommendation of
William Mahoney, National Director for Canada.
Report filed by William Mahoney, National Director
for Canada.
- T6-60 United Steelworkers of America: Local 5506 at
Cobalt, taken into trusteeship in November 1957
under supervision of P. O'Donovan on recommendation
of William Mahoney, National Director for Canada
Report filed by William Mahoney, National Director
for Canada.

- T7-60 United Steelworkers of America: Local 4525 at London, taken into trusteeship in December 1959 under supervision of Harold Rayner on recommendation of William Mahoney, National Director for Canada. Report filed by William Mahoney, National Director for Canada.
- T8-60 United Steelworkers of America: Local 4582 at Toronto, taken into trusteeship in November 1956 under supervision of A. Sheppard, on recommendation of William Mahoney, National Director for Canada. Report filed by William Mahoney, National Director for Canada.
- T9-60 United Steelworkers of America: Local 4649 at Galt, taken into trusteeship in December 1955 under supervision of J. Jardine, on recommendation of William Mahoney, National Director for Canada. Report filed by William Mahoney, National Director for Canada.
- T10-60 International Union of Operating Engineers: Local 944 at Windsor, taken into trusteeship September 1960 under supervision of Rowland Hill, International Supervisor. Report filed by Rowland Hill, Canadian Director.
- T11-60 International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America: Local Union 879 at Hamilton, taken into trusteeship in November 1954, under supervision of James R. Hoffa, General President, who was appointed by Einar O. Mohn, Executive Assistant to the General President, acting for Dave Beck, General President. Report filed by James R. Hoffa, General President and John F. English, General Secretary-Treasurer.
- T12-60 International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America: Local 938 at Toronto, taken into trusteeship December 1959 under supervision of I.J. Thomson who was appointed by James R. Hoffa, General President. Report filed by James R. Hoffa, General President and James J. English, General Secretary-Treasurer.

Government
Publication

BINDING SECT. SEP 22 1965

Government
Publications

~~HD~~ Ontario. Labour Relations Board
~~8109~~ Report
~~0945~~
~~1980~~
~~June-Dec.~~

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